

SECURITY OF FBI BACKGROUND FILES

JUNE 26, 1996

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

JUNE 26, 1996

Printed for the use of the Committee on Government Reform and Oversight

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WEDNESDAY, JUNE 26, 1996

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m., in room 2154, Rayburn House Office Building, Hon. William F. Clinger, Jr. (chairman of the committee) presiding.

Present: Representatives Clinger, Gilman, Burton, Hastert, Morella, Shays, Schiff, Ros-Lehtinen, Zeliff, McHugh, Horn, Mica, Blute, Davis, McIntosh, Chrysler, Gutknecht, Souder, Martini, Scarborough, Shadegg, Flanagan, Bass, LaTourette, Sanford, Ehrlich, Collins of Illinois, Waxman, Lantos, Wise, Towns, Spratt, Slaughter, Kanjorski, Condit, Peterson, Sanders, Thurman, Maloney, Barrett, Collins of Michigan, Norton, Moran, Green, Meek, Fattah, Brewster, Holden, and Cummings.

Staff present: James Clarke, staff director; Judy Blanchard, deputy staff director; Kevin Sabo, general counsel; Jonathan Yates, associate general counsel; Edmund Amorosi, director of communications; Judith McCoy, chief clerk; Teresa Austin, assistant clerk; Barbara Olson, chief investigative counsel; Barbara Comstock, special counsel; Joe Loughran, investigator/professional staff; Laurie Taylor, Kristi Remington, investigators; Michael Donohue, press assistant; David Jones, staff assistant; Bud Myers, minority staff director; David Schooler, minority chief counsel; Ronald Stroman, minority deputy staff director; Donald Goldberg, minority assistant to counsel; Bruce Gwinn, minority senior policy analyst; Dan Hernandez, minority professional staff; Ellen Rayner, minority chief clerk; Cecelia Morton, minority office manager; and Jean Gosa, minority staff assistant.

Mr. CLINGER. The Committee on Government Reform and Oversight will come to order. I would ask members of the press and media to clear the well. We are going to proceed to our hearing following up our hearing of last week, and as we did last week, we will have an opening statement from the Chair and an opening statement from the ranking minority member. Other opening statements may be entered as part of the record or during the questioning period by each individual member. We will then swear in our witnesses and then we will also make their opening statements part of the record and will proceed directly to questioning of our witnesses.

Again, I am going to have to ask the members of the media, please, to clear the well and ask the witnesses please to come forward and take their seats at the witness table.

Mr. WAXMAN. Point of order, Mr. Chairman. Is this a meeting of a congressional committee or a press conference?

Mr. CLINGER. I have requested the photographers please to clear the well.

Mr. BURTON. Mr. Chairman, if they won't clear the well we ought to get the Sergeant at Arms.

Mr. CLINGER. We have to ask you now to clear the well, leave the room, get out of the well.

The members of the media will clear the well immediately.

I am going to give you one more second, then I am going to ask all still photographers and television cameras to leave the room.

In our hearing last week we learned how the very sensitive matters of confidential background checks and security clearances were handled by prior White Houses, both Democrat and Republican.

In the past, serious, circumspect, and highly responsible people were put in charge of these most sensitive matters. And for good reason.

Last week in our hearing, we learned the care and process that was followed in order to ensure the confidentiality of these sensitive files. We also learned that this work was not handed over to political operatives, or detailees from outside agencies and certainly not to 18-year-old interns with no security clearances.

The White House is at the center of policies and debates that may determine matters of life or death, war or peace. For the past 30 years, the White House has engaged in a careful process of security clearances and background checks on individuals to determine their suitability and stability for positions at the White House and throughout the executive branch. The clearance and background process is designed to protect the security of the President as well as the national security of the country. One only has to recall the case of Aldrich Ames to realize what kind of problems can spring from a lack of vigilance in security matters. But as important as it is to have good procedures in place to guard against breaches of security, the people who operate such procedures must be carefully selected and above reproach.

There also must be supervision and accountability in such a sensitive process. As Washington Post editorial chief Meg Greenfield pointed out this week, "even if the accident rationale holds up, it was a plenty serious and inexcusable accident. Neither that material nor that responsibility should ever have been placed in those hands." So why did the President allow a political operative with a dubious background to hire a fellow political operative with a dubious background to conduct this most sensitive work?

Wasn't the President troubled by the fact that 18-year-old interns without security clearances had access to the most sensitive files of his staff as well as the 400 or more files of former Reagan and Bush officials? It is extremely troubling to think the President could allow his staff to so cavalierly handle security matters. Now, we learn that Mr. Marceca left the White House with computer disks which included analysis of the confidential files of National Security Council staffers and other White House employees. A full

count of the number of files that were requisitioned and removed from the FBI keeps mounting.

How was it that despite the frequent turnover in the Counsel's Office—Craig Livingstone retained his position as President Clinton's head of White House Security all this time? As we all know, with management turnovers come job shuffles. Are we to believe that former counsels, Mr. Nussbaum, Mr. Cutler, Judge Mikva, and the present White House Counsel Jack Quinn, all thought ex-bouncer, Craig Livingstone, was the best man for this sensitive job at the White House?

In the spring of 1994, when the problems and delays in obtaining White House passes and security clearances came to light, Mr. Kennedy was relieved of his responsibilities in this area. But not Mr. Livingstone. And then in August 1994, Senator DeConcini, the Democratic chairman of the Treasury Postal Appropriations Committee, which provided funding for the White House, was rebuffed when he wrote to the President to suggest detailed changes in the Personnel Security office, which would have involved replacing Mr. Livingstone with a career professional with a security background. Who is Mr. Livingstone's patron and why is he still, to this day, on the public payroll despite having made what everyone says were inexcusable mistakes and despite having a total lack of experience for this very sensitive security job?

Mr. Nussbaum has testified in a sworn deposition that he does not know who hired Mr. Livingstone, although he has suggested the Chief of Staff's Office may have been involved. Before joining this sensitive White House post, Mr. Livingstone worked with the President's Hollywood friend, Harry Thomason, as the Director of Security for the Clinton Inaugural. Mr. Livingstone's supervisor, Mr. Kennedy, has said he cannot shed any light on who hired Mr. Livingstone and noted that his superior, Mr. Foster, didn't know much about him either. Mr. Livingstone has told the committee that he does not know who recommended him, although ABC News reported last week that Mr. Livingstone told them that he was hired by Bill Kennedy.

And while those who previously heaped high praises on Mr. Livingstone, such as the President's Senior Advisor, George Stephanopoulos, virtually deny knowing him now, the White House remains silent even as we learn more and more troubling facts about Mr. Livingstone and the person he brought in to assist him with this sensitive matter, Mr. Marceca.

It is now known that both of these individuals had extensive histories as campaign advance men and political operatives. Mr. Marceca was handpicked by Mr. Livingstone for this position and requested by name by Associate Counsel William Kennedy. We have been provided a sworn statement from a former Gary Hart, campaign consultant, who came in contact with Craig Livingstone and Anthony Marceca in 1984 through the Hart campaign. Dennis Casey states that both Livingstone and Marceca endorsed the utilization of personal information to manipulate support for their candidate.

Just last week, we also learned that while Mr. Livingstone was working at the White House, other complaints were made about him. In addition, the accounts that these two individuals have

given the committee about the requisitioning of these files and the use of various lists to do so do not appear to square with sworn testimony provided by the FBI, the Secret Service and a former veteran employee of the Security Office, Nancy Gemmell. The Bush and Reagan officials whose files were made available to these characters have every reason to be concerned about who was minding the store.

As FBI Director Freeh indicated in his report on this matter, the process has always relied on the "good faith and honor" of those involved. Today, we will see what happens when, instead of "good faith and honor," we have political operatives, incompetents, and even teenagers driving this process. The fact is, given the individuals who were put in charge of this office and the apparent lack of any supervision or control, we may never be able to determine what exactly was done with these files.

But we do know that this White House had a history of amateur detectives rooting around for dirt, long before the recent FBI file flap and long before we knew about Mr. Livingstone and Mr. Marceca:

Item: In March 1993, Harry Thomason and Darnell Martens started trying to dig up dirt on the White House Travel Office and telling David Watkins and individuals in the White House Counsel's Office that the Travel Office employees were "on the take." The Counsel's Office initiated contact with the FBI to spur a criminal investigation based on these allegations.

Item: In May 1993, a memo apparently from someone in David Watkins' office was written directing Peter, last name not known, to spy on the Travel Office employees on a Presidential trip to California, which occurred just days before the May 19, 1993, firings. Peter was instructed to record all actions of the Travel Office employees on this trip.

Item: During the White House Management Review, contrary to previous representations by the White House, the White House was looking into the allegations of wrongdoing by the Travel Office employees and even sought out the personnel files of all seven Travel Office employees. These personnel files were reviewed by John Podesta, who conducted the Management Review, and they were then passed on to the Counsel's Office where they stayed until the Personnel Director raised concerns that these sensitive files shouldn't be floating around.

The documents that this committee has obtained over the past year demonstrate that the White House was engaged in an effort to provide as much damaging information about Billy Dale and his colleagues to both investigators and the public while simultaneously shielding the documents that they had relating to his chief accuser, Harry Thomason. The White House even sent a representative from the Counsel's Office to monitor Billy Dale's trial which occurred last fall.

Finally, a very disturbing e-mail from the FBI indicates that the Justice Department attorneys involved in the Billy Dale case told FBI agents that they wanted to "do the indictment" of Mr. Dale "before the [1994] elections." Since when do indictments hinge on election dates?

In this context, the difficulty this committee has faced in obtaining documents and the White House's reluctance to produce documents in a straightforward manner has only increased suspicions. The receipt by this committee of the White House's December 20, 1993, request for Mr. Dale's FBI file, 7 months after Mr. Dale had been fired, raised red flags and legitimate skepticism.

Why did the White House withhold this document for so long? Why did the President claim executive privilege over this document? Who knew Mr. Dale's file had been improperly requested and when did they know it? Why did it take a threat of jailing his White House Counsel for the President to turn over this document? The initial responses from the White House were, as usual, less than candid. It took several days before the White House put out the story that the requisition of Mr. Dale's file was part of a far larger request that the FBI has now deemed "without justification."

Whether or not these events turn out to be a blunder due to the colossal incompetence of those the President put in charge of these highly sensitive matters or whether it veered into something more serious, the casualness with which this White House has approached many areas of security and sensitivity provided a climate for either of these troubling alternatives. And the tooth-pulling recalcitrance and half-truths constantly engaged in by this White House only make it more difficult to determine the facts.

As the Washington Post noted, the damage was done on Day 1 when the President made such poor staff choices or has to take responsibility for their having been made. The Wall Street Journal recently observed, "Three years of evasions, half-truths, sudden discoveries of documents and Mr. Livingstone's romp through explosive FBI files should tell us the Clinton White House no longer deserves the benefit of the doubt. We may never know who hired Mr. Livingstone. But his *modus operandi* can no longer be dismissed as an aberration in an otherwise straightforward administration."

[The prepared statement of Hon. William F. Clinger, Jr. follows:]

PREPARED STATEMENT OF HON. WILLIAM F. CLINGER, JR., A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF PENNSYLVANIA

Good morning. In our hearing last week we learned how the very sensitive matters of confidential background checks and security clearances were handled by prior White Houses—both Democrat and Republican. In the past, serious, circumspcct and highly responsible people were put in charge of these most sensitive matters. And for good reason.

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How was it that despite the frequent turnover in the Counsel's office—Craig Livingstone retained his position as President Clinton's head of White House Security all this time? As we all know, with management turnovers come job shuffles. Are we to believe that former counsels Mr. Nussbaum, Mr. Cutler, Judge Mikva and the present White House Counsel Jack Quinn all thought ex-bouncer Craig Livingstone was the best man for this sensitive job at the White House?

In the Spring of 1994, when the problems and delays in obtaining White House passes and security clearances came to light, Mr. Kennedy was relieved of his responsibilities in this area. But not Mr. Livingstone. And then in August of 1994, Senator DeConcini, the Democratic Chairman of the Treasury Postal Appropriations Committee which provided funding for the White House was rebuffed when he wrote to the President to suggest detailed changes in the Personnel Security office which would have involved replacing Mr. Livingstone with a career professional with a security background. Who is Mr. Livingstone's patron and why is he still—to this day—on the public payroll despite having made what everyone says were inexcusable mistakes and despite having a total lack of experience for this job?

Mr. Nussbaum has testified in a sworn deposition that he does not know who hired Mr. Livingstone although he has suggested the Chief of Staff's office may have been involved. Before joining this sensitive White House post, Mr. Livingstone worked with the President's Hollywood pal, Harry Thomason, as the director of security for the Clinton Inaugural. Mr. Livingstone's supervisor, Mr. Kennedy, has said he cannot shed any light on who hired Mr. Livingstone and noted that his superior Mr. Foster didn't know much about him either. Mr. Livingstone has told the Committee that he does not know who recommended him although ABC News reported last week that Mr. Livingstone told them that he was hired by Bill Kennedy. And while those who previously heaped high praises on Mr. Livingstone such as the President's senior advisor George Stephanopoulos, virtually deny knowing him now, the White House remains silent even as we learn more and more troubling facts about Mr. Livingstone and the person he brought in to assist him with this sensitive matter, Mr. Marceca.

It is now known that both of these individuals had extensive histories as campaign advance men and political operatives. Mr. Marceca was hand-picked by Mr. Livingstone for this position and requested by name by Associate Counsel William Kennedy. We have been provided a sworn statement from a former Gary Hart campaign consultant who came in contact with Craig Livingstone and Anthony Marceca in 1984 through the Hart campaign. Dennis Casey states that both Livingstone and Marceca endorsed the utilization of personal information to manipulate support for their candidate.

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- In March 1993, Harry Thomason and Darnell Martens started trying to dig up dirt on the White House Travel Office and telling David Watkins and individuals in the White House Counsel's office that the Travel Office employees were "on the

take." The Counsel's office initiated contact with the FBI to spur a criminal investigation based on these allegations.

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In this context, the difficulty this Committee has faced in obtaining documents and the White House's reluctance to produce documents in a straightforward manner has only increased suspicions. The receipt by this Committee of the White House's December 20, 1993 request for Mr. Dale's FBI file, seven months after Mr. Dale had been fired, raised red flags and legitimate skepticism. Why did the White House withhold this document for so long? Why did the President claim Executive Privilege over this document? Who knew Mr. Dale's file had been improperly requested and when did they know it? Why did it take a threat of jailing his White House Counsel for the President to turn over this document? The initial responses from the White House were, as usual, less than candid. It took several days before the White House put out the story that the requisition of Mr. Dale's file was part of a far larger request that the FBI has now deemed "without justification."

Whether or not these events turn out to be a blunder due to the colossal incompetence of those the President put in charge of these highly sensitive matters or whether it veered into something more serious or even criminal, the casualness with which this White House has approached many areas of security and sensitivity provided a climate for either of these troubling alternatives. And the tooth-pulling recalcitrance and half-truths constantly engaged in by this White House only make it more difficult to determine the facts.

As The Washington Post noted, the damage was done on Day 1 when the President made such poor staff choices. The Wall Street Journal recently observed, "Three years of evasions, half-truths, sudden discoveries of documents and Mr. Livingstone's romp through explosive FBI files should tell us the Clinton White House no longer deserves the benefit of the doubt. We may never know who hired Mr. Livingstone. But his modus operandi can no longer be dismissed as an aberration in an otherwise straightforward administration."

Mr. CLINGER. The Chair now recognizes the ranking minority member for an opening statement.

Before I do that, I want to include the depositions of Mr. Nussbaum, Ms. Wetzl, Mr. Livingstone, Mr. Marceca and Mr. Kennedy in the record at this point. So ordered.

[The information referred to follows:]

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

IN THE MATTER OF: WHITE HOUSE TRAVEL

DEPOSITION OF BERNARD W. NUSSBAUM

WEDNESDAY, JUNE 12, 1996
Washington, D.C.

The deposition in the above matter was held in Room 2154, Rayburn House Office Building, commencing at 10:05 a.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Olson, Majority counsel; Barbara Comstock, Majority counsel; Laurie Taylor, Majority counsel; and Don Goldberg, Minority counsel.

For MR. NUSSBAUM:

JAMES F. FITZPATRICK, ESQ.
Arnold & Porter
555 12th Street, N.W.
Washington, D.C. 20004-1202

LAWRENCE B. PEDOWITZ, ESQ.
YOCHEVED COHEN, ESQ.
ROBERT B. MAZUR, ESQ.
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, New York 10019-6618
YOCHEVED COHEN, ESQ.

Ms. OLSON. Good morning. We are on the record this morning for the deposition of Bernard Nussbaum, which will be administered under oath. And I would like to identify some of the people who are present in this room. Mr. Nussbaum is present with his attorneys, James Fitzpatrick of Arnold and Porter, and attorneys from his law firm. Don Goldberg is here, Minority counsel. And Barbara Olson, Barbara Comstock and Laurie Taylor are here, Majority counsel for the Government Reform and Oversight Committee.

Before you are sworn in, Mr. Nussbaum, I would like to provide you with some background information which concerns this investigation and your appearance here.

As you know, pursuant to its authority under Rules 10 and 11 of the House of Representatives, the Government Reform and Oversight Committee is investigating the White House Travel Office matter.

The matter has been defined by the Rules Committee report when House Resolution 369 was passed as referring to all events leading up to the May 19th, 1993, firings of the White House Travel Office employees and includes all information which was provided about the White House Travel Office and any employees of the White House Travel Office at any time from January 1, 1993, until the present.

Our investigation also encompasses the activities of Harry Thomason, Darnell Martens, and Penny Sample in the White House, as well as all allegations of wrongdoing which concern the Travel Office employees.

The Committee on Government Reform and Oversight investigation is reviewing all actions taken by the FBI and the Department of Justice, both prior to and after the firings. This includes the actions by any field office personnel in the FBI or DOJ, as well as any White House involvement in coordination or in attendance of interviews.

The investigation does include but isn't limited to the investigation and subsequent prosecution in the United States v. Billy Ray Dale case and all investigations and subsequent reviews of the Travel Office firings—I have another copy of our opening which I will give to counsel so that they can also review as I finish up this—by any agency, including but not limited to the White House Management Review, the FBI Weldon Kennedy/I.C. Smith review, the OPR review, the IRS internal review, the Treasury IG report, the GAO review, as well as the proposed United States House of Representatives Resolution of Inquiry which was considered and voted on in the House Judiciary Committee in July of 1993.

We are looking at all actions that relate to or describe the criminal investigations into the White House Travel Office matter which include any subsequent actions or activities of any kind as a result of the above-mentioned events by the White House,

the Treasury Department, the IRS, the GSA, the GAO, the FBI, both Independent Counsels Mr. Fiske and Mr. Starr, and the Department of Justice up to the date of this request, unless otherwise limited.

Do you understand that your answers should include all information which you presently have which would involve any of these subjects when you respond to questions that are posed?

Mr. NUSSBAUM. My understanding is that I will respond to questions that are posed and answer those questions.

Ms. OLSON. One of the purposes for outlining our scope is in case a question is posed that you believe the answer would be nonresponsive, if it included any other investigation, or that there is a cutoff date, we wanted to make clear that the cutoff date is up to the present. And that is the purpose, just to clarify what we believe the scope of this investigation to be.

As I stated before, the committee has been granted specific authorization to conduct this deposition pursuant to House Resolution 369, which was passed by the House of Representatives on March 7, 1996.

Pursuant to our committee rule 19, which was provided to your counsel earlier, both Majority counsel and Minority counsel will be given an equal opportunity to give questions to the witness. Committee counsels will proceed with equal rounds of questioning, each lasting up to 1 hour, until both counsel have completed their questioning.

The only exception to this will be if a member of this committee is present and wishes to pose questions. If that occurs, the member will be afforded an immediate opportunity to pose their questions, and the committee counsel will then resume questioning after the members have completed all of their questions.

You are here today voluntarily and not by subpoena; is that correct?

Mr. NUSSBAUM. That's correct.

Ms. OLSON. And you understand this deposition is under oath. You will be allowed to confer with your attorney. If you do not understand a question, please tell me. I will try to rephrase the question or to clarify.

I ask that all objections which are raised by your attorney be stated for the record, with the reason for the objection clearly stated. At that point, if there is an objection, committee Majority counsel will make a determination whether they believe that the objection is a proper objection for this deposition. If committee Majority counsel does not believe it's a proper objection, then we will confer with Minority counsel. Ultimately, if at the end of conferring, committee Majority counsel still believes that the objection is not proper, it will be presented to the chairman for a final determination. By agreement, the chairman has agreed that he will confer with the committee minority Ranking Member before making any final resolution.

You will be given a 5-day time frame in which you and your attorneys may review this deposition once it has been transcribed to correct any technical problems that you perceive occurred in the transcription, as well as to clarify any matters that you believe need to be clarified. Do you understand that?

Mr. NUSSBAUM. Yes.

Ms. OLSON. You are accompanied by your counsel this morning, and I ask at this time that you be sworn in by the court reporter.

THEREUPON, BERNARD W. NUSSBAUM, a witness, was called for examination by counsel, and after having been first duly sworn, was examined and testified as follows:

EXAMINATION BY MS. OLSON:

Question. If you could just state your full name.

Mr. GOLDBERG. Just if I could state something for the record. Thank you. The Minority does not necessarily concur in the description and scope as outlined by the Majority.

Thank you.

EXAMINATION BY MS. OLSON:

Question. If you could just state your full name and where you are currently employed at this time.

Answer. My name is Bernard W. Nussbaum, N-U-S-S-B-A-U-M. I am a partner at the law firm of Wachtell, Lipton, Rosen & Katz, which is a law firm in New York.

Question. Can you please tell us a brief review of your Washington or New York legal history?

Answer. I graduated law school in 1961. I had a fellowship from Harvard University, after law school, to travel around the world, called the Sheldon Traveling Fellowship, from 1961 to 1962.

From 1962 to 1966, I was an assistant United States attorney in the Southern District of New York under the leadership of Robert Morgenthau. I spent 3 years investigating and prosecuting criminal cases. During that time, I was also in the United States Army from 19—December '62 to May of 1963, and then served thereafter in the U.S. Army Reserves.

In 1966, I went to what was then a new firm called Wachtell, Lipton, Rosen & Katz, and I have now been at that firm since 1966, other than certain leaves; actually, I resigned on both occasions and then returned for Government service.

In 1974, I was senior associate special counsel to the House Judiciary Committee, which conducted the Nixon impeachment inquiry. I spent 9 months doing that. I worked then with John Doar and Peter Rodino, who was then chairman of the Judiciary Committee. After I finished that, I returned to my firm and in January of 1993, on January 20th, 1993, I became counsel to the President.

I resigned as counsel to the President on March 5th, 1994, to take effect on April 5th, 1996, and I worked until about a week or so before April 5th, 1994, when I left the White House as counsel to the President and I returned to Wachtell, Lipton. My practice at Wachtell, Lipton has been mainly civil and criminal litigation on behalf of individuals, professionals, corporate entities.

Question. Mr. Nussbaum, during the Clinton-Gore campaign, did you at any time take a leave from the law firm to work on the campaign?

Answer. No.

Question. Okay. Prior to starting work at the White House, can you just describe how you obtained your position as counsel to the President?

Answer. I was acquainted and somewhat friendly with Hillary Rodham Clinton. She was a colleague of mine on the impeachment inquiry in 1974, which I mentioned. She was a junior lawyer on the staff, I was a senior lawyer on the staff, and we worked together, and we got to know each other, and we stayed in touch professionally over the years.

And during the campaign, while I didn't take a leave, as I indicated before, I didn't spend any extensive time, I was called upon from time to time by people in the campaign to give advice with respect to certain matters that arose during the campaign, and I did.

I also assisted in New York when the President, then Governor Clinton, came to New York. I assisted in the New York primary, in the campaign in New York at that time. I was trying to round up people to support the President and trying to round up people to contribute to the President. So I was to that extent involved in the campaign, although I was still working full-time with the firm.

So I got to know people in the campaign, and of course I knew Mrs. Clinton. I had met Governor Clinton many years ago when—I think even before she and the President were married, but I didn't really know him very well. And at the conclusion of the campaign, after he won the election, I was asked to head the Justice Department transition team along with Peter Edelman. We co-headed that transition team.

A number of transition teams were set up for the various departments, and Pete Edelman and I headed up the Justice Department transition team. We had 125 lawyers, I guess, just working for us, analyzing various parts of the Justice Department and other related agencies, prepared a report, an extensive report with documentary material, so the new Attorney General, whoever he or she might be, would have material to look at to assist her in running the Department.

I did that for a month or so, from early December 1992 until early January 1993, and then I was asked—I received a call and was asked to come down to meet with the President-elect, and I did, and he asked me to be counsel to the President, and I accepted.

Question. And besides President Clinton, was there anyone else that you reported to in your capacity as counsel to the President?

Answer. I reported to—I always considered myself reporting both to the President and to the chief of staff, Mack McLarty.

Question. Had you met Mack McLarty before starting at the White House?

Answer. I met Mack McLarty when I was down in Arkansas discussing possibly becoming counsel to the President with the President-elect at the time. I met Mack McLarty then.

Question. And prior to that period during the transition, did you have any relationship or friendship with Mack McLarty of any substance?

Answer. Can you repeat the question?

Question. I can repeat it. Prior to the transition period, where you said you met Mr. McLarty down in Little Rock, did you have any other previous relationship with Mack McLarty?

Answer. No.

Question. You said you were doing the DOJ transition. Did you know Web Hubbell before that period of the transition?

Answer. No.

Question. Did you meet Mr. Hubbell during the transition period when you were helping with the DOJ activities?

Answer. I believe so. I don't quite remember when I met Mr. Hubbell.

I should say, Mr. Hubbell was a partner in the Rose law firm in Little Rock, and he was a civil litigator, and I believe—I had heard from some of my partners—that they had met and known, not well, Mr. Hubbell. They had been in matters with him in the eighties.

But I never ran across Mr. Hubbell during that period of time. So while he was acquainted to people in my firm, he wasn't really acquainted to me. I met him, I believe, sometime during the transition.

Question. Was he at the Department of Justice, working on any of the Department of Justice transition at that time, to the best of your knowledge?

Answer. He was not. He was not working on the Department of Justice transition at that time. I can't—I don't recall him doing so. He was not part of our transition team. He didn't work for Edelman and I when we had the—when we headed the Department of Justice transition.

Ultimately, after the Attorney General—ultimately, after the President-elect became the President, he went over to the Department of Justice as a special assistant for a while, and then he became associate attorney general. But he was not functioning on the Justice Department transition team.

Question. Okay. Was Mike Berman functioning on the Department of Justice transition team?

Answer. No.

Question. Did you know Mike Berman prior to coming to this administration?

Answer. No.

Question. I'm going to cover an area concerning the FBI background files. At the beginning of the administration, can you just explain to us generally what actions you took concerning personnel files of individuals in the Clinton administration that were holdovers from previous administrations? And by actions you took, that you took or directed others to take.

Answer. I don't recall any discussions with respect to personnel files of holdovers from prior administrations. We put into motion in the White House Counsel's Office and in the White House generally a procedure for obtaining—for vetting potential employees and for requesting FBI reports, background reports, on such potential appointees of the President. That was a very important function.

And what I did, together with my deputy counsel, Vincent Foster at the time, was to see to it that we would try—to see that we would hire or we would have come to the White House a person that we both had a great deal of confidence in to run that process. And that person was a former partner of Mr. Foster's and Mrs. Clinton's, William Kennedy. And William Kennedy was asked to come to the White House to be in charge of the security clearance process, the background check process, to run that important area.

We had great confidence in Mr. Kennedy's abilities and his character and his intelligence and confidence, which exists to this day, and so what I tried to do was to make sure that I had somebody in charge of that process who I, you know, thought highly of. And I, you know—and that's why we brought Mr. Kennedy to the White House.

You know, I also was aware that on the lower levels there were career people in the White House Security Office, Personnel Security Office, as well as in the Federal Bureau of Investigation and the Secret Service, all of whom—some of whom, you know, would be retained, and they would function in accordance with procedures which historically existed, in accordance with procedures that were followed in prior administrations, in the Bush administration, the Reagan administration and prior administrations. And, you know, I had great trust and faith in the career employees, you know, to do their job in a fair manner.

But I did appoint Mr. Kennedy, who in return reported to Mr. Foster, who in return reported to me, to be in overall charge of that process.

Question. You said there were certain guidelines that were established, and I wanted to ask you if there were guidelines. I am going to limit this to what you discussed about the new appointees. Were these guidelines, that had been passed

on to you from previous White House counsel or were these guidelines that you or you directed others under you to devise?

Answer. I understood that we were going to follow the procedures that previous White Houses followed—White Houses followed, that we were doing—following basically the same procedures that they did in both requesting background reports on potential appointees—I was more focused on potential appointees than people who had, quote, access to the White House.

I understood, of course, that people who had access to the White House would be checked out before they could come to the White House. But I was—myself, I was focused more on appointees, but I believe in both cases, with respect to access to the White House and with respect to the appointment process, we were following basically the same procedures that prior administrations had followed.

Question. And one of the documents that was produced to us from the files of your office, the White House Counsel's Office, was a memo from Boyden Gray, who had been the previous White House counsel, that discusses the Presidential Records Act. This is a preview to a question that I am going to ask. One of the things an administration does is box up all their files and send it to records management at the end of the administration.

When you came in, did anyone report to you or discuss the need for establishing new files on the people who were still in the White House from the previous administration?

Mr. MAZUR. Before he answers that question, could we see a copy of that memorandum?

Ms. OLSON. This is a memorandum. I will go ahead and mark it as Deposition Exhibit 1. It does not have a Bates stamp number. It's a November 5th, 1992, White House memorandum which is from Mr. C. Boyden Gray that's to his White House staff.

[Nussbaum Deposition Exhibit No. 1 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. Have you ever seen that document?

Mr. MAZUR. This is 1992?

Mr. GOLDBERG. Is this from the White House, or how did we obtain this?

Ms. OLSON. I will look that up for you.

[Pause.]

The WITNESS. I don't recall seeing this. This was obviously before my time, and I don't recall seeing it. It's possible somebody showed it to me, but I don't recall seeing this.

This is the day after the election, obviously, and it's a memorandum to the staff of the Executive Office of the President involving the disposition of presidential records, and I don't remember seeing that.

EXAMINATION BY MS. OLSON:

Question. At the beginning of the new administration, after you came in, did you have any discussions with Mr. Foster or others about the Presidential Records Act and the caretaking of the files, personnel files, that were being created of the new appointees?

Answer. We had a general discussion about the Presidential Records Act, Mr. Foster and I and one of our associate counsel, Stephen Neuwirth, who was sort of assigned to become familiar with the Presidential Records Act. That's what I recall with respect to that.

Question. Do you know if he created any new memorandum or memoranda for any of the individuals coming on board in the administration concerning the Presidential Records Act?

Answer. My best memory is, there may have well been such memoranda, yes.

Question. As you sit here today, do you recall specifically asking—

Answer. No.

Question [continuing]. To create any such memoranda?

Answer. No, I don't specifically recall, but I have this vague recollection that there was such memoranda created.

Question. When you came in, did anyone come to you and discuss the fact that there were or were not personnel files for the people from the previous administration?

Answer. I remember no such discussion.

Question. You had said that you hired Mr. Foster to—besides other responsibilities—obviously to be in charge of Mr. Kennedy, and was it Mr. Kennedy—

Answer. I didn't say Mr. Foster. I didn't hire him to be in charge of Mr. Kennedy. I said we hired Mr.—Mr. Foster and I hired Mr. Kennedy to be in charge of the appointments process, the appointments vetting process and the general security functions in the White House.

Question. Would Mr. Kennedy's duties also include personnel files and/or appointments or access for the individuals still in the White House from previous administrations?

Mr. MAZUR. Do you want to break that down into pieces?

The WITNESS. No; I—let me—that is a good suggestion. You have run a couple of things together.

EXAMINATION BY MS. OLSON:

Question. You have just said that Mr. Kennedy's job was to determine access for the new appointees and the vetting of the new appointees.

Answer. That's correct.

Question. Did Mr. Kennedy's duties include the individuals from previous administrations that were remaining at the White House?

Answer. Mr. Livingstone was the head of the White House Security Personnel Office. Mr. Livingstone reported to Mr. Kennedy.

I don't think that office technically, the White House Security Personnel Office, was technically part of the White House Counsel's Office. I think it was on a different budget, in fact.

But it was clear that Mr. Livingstone, the head of that office, reported to Mr. Kennedy. And Mr. Livingstone was responsible for White House security, and that includes making—you know—and then reported to Mr. Kennedy.

White House security is making sure that people are not walking around the White House who don't have access to the White House, who would present a security risk to the President or the people at the White House. You don't want felons and drug addicts and alcoholics running around the White House, and so every White House has had that security function. Mr. Livingstone, the head of the White House Security Office, was in charge of that. He then reported to Mr. Kennedy.

Question. Who established his reporting to Mr. Kennedy, if you know?

Answer. I believe—it is my understanding that that was—we adopted that from prior administrations, that in prior administrations, the head of the White House Security Office, Personnel Security Office, reported to the Counsel's Office, in effect. And so what we were doing is, as we were doing in all of these situations, is really not trying to reinvent the wheel ourselves and not setting into motion new procedures but basically following the procedures that we understood were followed in prior administrations.

Question. When you came into the White House as counsel to the President, did you have the benefit of the advice of any prior counsels to review those kinds of procedures?

Answer. I met with all the prior counsels to the President—not all. I met with Mr. Gray. I met with Mr. Fielding. I met with Mr. Cutler. But we had no specific discussion—no discussion with respect to these specific procedures. We talked about more general matters.

Question. And that was obviously my follow-up question. Do you ever recall discussing personnel files and obtaining those kinds of files or—FBI background files procedures?

Answer. No.

Question. Did they ever give you any documents, that you are aware of, concerning those topics for your use?

Answer. No.

Question. You mentioned Craig Livingstone. Did you hire him?

Answer. No.

Question. Do you know who hired Mr. Livingstone?

Answer. I presume he was hired by the Chief of Staff's Office, which was staffing the White House.

Question. Did you know him prior to him starting at the White House?

Answer. No, I did not.

Question. Do you know if he had any relationship with Bill Kennedy prior to starting at the White House?

Answer. I believe he did not. He was—he was in place, if I recall correctly, prior to—Kennedy didn't come on day one, which is January 20th, 1993. Kennedy came 3 weeks later, about 3 weeks later, if I recall correctly, because I remember Foster and I having discussions about how important it was getting somebody in that posi-

tion as soon as we could, but we didn't have somebody on day one. So he came 3 weeks later.

It's my recollection that Livingstone was already head of the White House Personnel Security Office. Remember, that office itself is not part of the White House Counsel's Office, so I didn't have any responsibility for staffing that office. I had responsibility for staffing my office.

When Kennedy came, he then met Mr. Livingstone. That's my understanding.

Question. Did you have any discussions with Mr. McLarty or anyone else during that period concerning Mr. Craig Livingstone's background?

Answer. I recall no such discussions, no.

Question. Were any problems concerning his security clearance ever brought to your attention?

Answer. No.

Question. Are you aware of any criminal record or background pertaining to Mr. Craig Livingstone?

Answer. No.

Question. I have a document. I will go ahead and mark this as Deposition Exhibit No. 2. It is a May 12th, 1993, form that's a memorandum to the FBI liaison from Bernard Nussbaum. It is CGE 18298. This particular document is the Darnell Martens request for a name check by the FBI. I would just ask if you have seen this document or similar documents?

[Nussbaum Deposition Exhibit No. 2 was marked for identification.]

Mr. MAZUR. I am not sure what you mean by "similar documents."

Ms. OLSON. It is a form.

EXAMINATION BY MS. OLSON:

Question. And I will ask him first, have you ever seen that particular document?

Answer. No.

Question. Okay. Generally, let's look at this document without specifically limiting that it's Darnell Martens' FBI investigation. Have you ever seen documents that would have gone to the FBI liaison from Bernard W. Nussbaum, subject FBI investigations, and then list individuals asking for either previous reports or name checks?

Answer. I understood that requests for background information or investigation—or personnel reports—not so much personnel reports. What I am talking about is FBI background checks.

Question. Yes, sir.

Answer. Full field investigations or even less—or even investigations of a lesser scope, I always understood—I understood at the time that those requests were being made in the—under the aegis of the White House Counsel's Office. But I never saw the form. I never—I never saw the particular form that was being used. To me, that was just a detail.

So the answer is—did I ever see this form before?

Question. With anyone's name on it?

Answer. With anyone's name on it. The answer is no, obviously, until recent events when the Billy Dale form became public at that time. But I don't ever recall seeing this form before.

But I did have an understanding that when we made requests to the FBI for an investigation of a potential appointee, for example, which is what I focused on mostly, that that request was coming from the White House Counsel's Office.

In other words, what I understood is that the White House Personnel Office would say—would send a memo or other communication to the White House Counsel's Office, to Bill Kennedy's office and say, we are thinking of appointing X to a position in the Department of Commerce; and they will say, will you please vet him and do the appropriate background checks; and then Kennedy, on behalf of the White House Counsel's Office, through some procedure, would contact the appropriate agency, the FBI normally, to do the background check, and that was being done in the name of the White House Counsel's Office.

Question. Were you ever informed specifically that it was a memo with your name on it? And that each one of these requests were being sent over from you?

Answer. No, I was never informed specifically there was a memo with my name on it, but I knew it was a memo from the White House Counsel's Office.

Question. Okay. On—

Answer. I understand—I always understood that when we were following, as I said earlier, the traditional procedures, that what we were doing, in using this memo, is using a memo which was used in prior administrations.

Question. Where did you obtain that understanding?

Answer. Or we were using a similar form to that.

I don't know—by discussions with Mr. Kennedy that we were following the procedures followed in previous administrations.

Question. At any time, did Mr. Kennedy or Mr. Foster have any discussions with you about their limited updates of individuals who were still at the White House from previous administrations?

Answer. No.

Question. There is a section on this memorandum which says, "We request," and then it lists several different things that one can request from the FBI, and one is a full field investigation—

Answer. Yes.

Question [continuing]. Which you had mentioned. And the other is a limited update.

What is your understanding of the difference between those two, based upon the information?

Answer. Well, limited update—

Mr. PEDOWITZ. Why don't you let her finish her question before you answer.

EXAMINATION BY MS. OLSON:

Question. Based on the information you received.

Answer. "Limited update" means, to me, that there has been some sort of investigation in the past, that some sort of record has been created with respect to an individual and we wanted to update it. That's what it means.

Question. Did you have any understanding whether this would be used to update files for individuals from previous administrations who were remaining at the White House under the new Clinton administration?

Answer. I recall no discussion with anyone about updating files of people from previous administrations who would remain in the White House. But that's not—I recall no such discussion. It doesn't surprise me that if we had people being held over from a prior administration, that we would want, with respect to those people, as well as new people coming into the White House, updated personnel and security files.

Question. Were you involved on either a day-to-day or weekly basis in any discussions with problems Mr. Kennedy was having concerning receiving the FBI clearances for the new appointees to the Clinton administration during the early part of 1993?

Answer. Yes, I was involved in many discussions with Mr. Kennedy. Most of my discussions with Mr. Kennedy were—involved that subject matter. There was a 25 percent staff cut which the White House underwent after the Clinton White House came into being.

There was a shortage of personnel in the White House to conduct a vetting process and to engage generally in the clearing process, and Mr. Kennedy was, you know, disturbed about that, and we made great efforts to try to get more people to be hired, to participate in this vetting, appointment, clearance, security process, whatever you want to call it, with some success.

But also one of the ways it was done was, detailees were used as well, which we understood other administrations had also used. In other words, people would detail from other government agencies on a limited basis to come over to the White House, help the White House out with this process, and then go back to their agencies.

Question. I want to do a little follow-up on the detailees. Is it your understanding that these people were requested by name, the detailees that were coming to the White House, to help with this process?

Answer. No, that was not my understanding.

Mr. PEDOWITZ. I am not sure. Do you understand that question?

EXAMINATION BY MS. OLSON:

Question. By specific name, rather than asking for individuals to help out, would you call up and say, "I would like Barbara Olson to come over from"—

Answer. No, I don't believe so. I believe people would say can you send somebody over who is good, who can help out at this time. That was my understanding.

Question. Did you make any request for detailees by name, that you recall, during this period of the vetting?

Answer. I recall making no such request for detailees by name.

Question. The second page to Deposition Exhibit No. 2 was attached to this document when we received it, and it is CGE 18296, and it is called a White House Office Supplemental Information Sheet for Personnel Action. And it says, "To be at-

tached to Form WHP-1." Had you seen those forms during the initial period where the vetting was going on?

Mr. MAZUR. I am sure somebody else would have noted this, but the production numbers don't run consecutively. In fact, the second page is two numbers before the first.

Ms. OLSON. That's why I gave the Bates stamp number. It was attached, however, when we received it. I was just making that point. It may or may not have originally been attached.

Mr. MAZUR. Right.

EXAMINATION BY MS. OLSON:

Question. Do you have any knowledge about these kinds of documents?

Answer. No.

Question. Did you ever see them attached? If not, since you had never seen the document that's page 1 of Deposition Exhibit No. 2, did you ever see this type of form ever attached to any other type of document?

Answer. No.

Ms. OLSON. I am going to mark this next document as Deposition Exhibit No. 3. [Nussbaum Deposition Exhibit No. 3 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. I ask you to look at that document. This document is a memorandum, same kind of which we have been discussing in Deposition Exhibit No. 2. It's to FBI liaison from Bernard W. Nussbaum, but the subject's name on this document, Deposition Exhibit No. 3, is Billy Ray Dale. It says that the White House is requesting a copy of a previous report, and then it is X'd and typed in that the above-named person is being considered for access.

Have you ever seen that document before?

Answer. No, other than recently, you know, prior to these hearings—shortly prior—after this incident arose, or this issue arose. But I didn't see it.

Mr. PEDOWITZ. Why don't we make that precisely clear as to what you are talking about in terms of time frame. You mean within the last week?

The WITNESS. Yes. I have seen this document within the last week but not prior to that.

EXAMINATION BY MS. OLSON:

Question. The next document I am going to mark is Deposition Exhibit No. 4, which is Bates stamped CGE 43642. It is basically the same document. However, it has some additional time stamp on it. It says—under date, it says December 20, 1993, which is on Deposition Exhibit No. 3. This one has December 28th at the top above the December 20th.

Have you ever seen that document?

Answer. Not until the last week.

Question. There is a redaction on that document down in the section marked "Attachment." It's on both documents, and it says that nonresponsive material was redacted. Are you aware of any attachments that went over to FBI concerning Billy Ray Dale requesting this material—his materials?

Answer. No.

Question. Do you know what nonresponsive material was redacted?

Answer. No.

Question. So is it your statement you have not seen this document unredacted?

Answer. That's correct.

Question. Do you know of any other documents that were sent out from the White House?

Mr. MAZUR. Can we just have one second?

Ms. OLSON. Certainly.

EXAMINATION BY MS. OLSON:

Question. Are there any other documents, that you are aware of, that were sent out during your tenure as counsel to the President under your name without you reviewing them?

Answer. Yes.

Question. Can you please describe what those documents are?

Answer. There was an auto pen, for example, over at the EOB. There were many letters that we received that I delegated to staff people to respond to, and I know letters went out under my signature which I didn't see. They were mainly form type

of things, responding to requests for information, responding—but I know that happened.

You know, we used to get a large amount of correspondence of sort of a routine nature which had to be dealt with by staff members or people assisting them. I had great confidence in my associate counsel, sort of my senior staff, to ensure that if the auto pen was used and my name was used, that it would be appropriate and proper.

But it would be impossible for me to personally respond to everything and to look at everything that came into the White House Counsel's Office. So that's why I put a premium on getting a very able senior staff, and I was very satisfied with virtually all of them.

So, yes, there are other documents that went out of the White House, I believe, under my signature, without me ever seeing them.

Question. And you said this was regular correspondence. Was this correspondence from other executive branch agencies or from individual citizens?

Answer. Both.

Question. Or is there a distinction?

Answer. Both. Both. Both.

Question. And who had authority to put your name on documents in the White House; specifically, documents that you didn't see?

Answer. Other associate counsel with respect to routine matters. Whether they exercised it or not, I don't know who exercised it or didn't, but I do know the auto pen was over there, so I do know it was being done, you know, but it was done under the supervision of other associate counsel.

Question. So there was not a specific person designated who had authority?

Answer. No, there was no one person designated to review, you know—it went from me to the deputy counsel who sort of oversaw the other associate counsel. But I—you know, but I do know the auto pen was there, and I do know documents went out under my signature.

Question. So is it your statement that all of your associate counsel would have some degree of authority to send out documents under your name or have documents signed by the auto pen under your name without you first reviewing them?

Answer. Yes. I say this was done—I mean my associate counsel knew that it was their obligation to report back to me on anything of any—on anything of any significance which they believed that I should see myself, personally, and I know of no document that was ever sent out that came back to embarrass me as a result of that, you know. I mean, if anything, they bent over backwards to come to me with problems and issues.

You know, they were very diligent about reporting back to me, but for certain routine things or certain, you know—after awhile, as we got used to each other, letters were sent out using the auto pen over my signature, and there may have been other—for all I know, there may have been other forms such as this which we used.

Question. Was there any time that you ever reviewed—I know you said you had not seen the form that we have marked Deposition Exhibit No. 3 or 4—is there any time you reviewed forms that were being sent out under your name that you were not going to be looking at each and every page?

Answer. I don't recall one way or another whether I did that. It's possible that somebody—you know, this was a very busy office. It is possible somebody could come to me and say, "Look, we are using these forms." But I have no memory of that at this point. I don't exclude that possibility.

Question. You had said that you had meetings with Mr. Kennedy, certainly concerning the new appointees and getting access.

Answer. Yes.

Question. Do you recall any discussions—and I don't mean to be repetitive, I just want to be clear.

Answer. Sure.

Question. Do you recall any discussions about holdover personnel that may have caused a problem or may have risen to the level of Mr. Kennedy's knowledge and he brought it to your attention or Vince Foster brought it to your attention?

Answer. No. I knew we had holdovers. In fact, one of the holdovers worked in my office. One of my senior secretaries was a holdover, worked in a prior administration. So I—

Question. What was her name?

Answer. Linda Tripp. So I knew we had holdovers, you know. It was appropriate and proper and, you know—and I knew our security process would want to make sure that, just like new people, you know, holdovers would be, you know, properly in the White House and there would be no security problem with them.

But I never—but if you ask me do I remember any discussion with Mr. Kennedy about an issue respecting security issues, personnel issues, or background issues involving holdovers, the answer to that question is no.

Question. Okay. We had talked about specifically the auto pen for the routine matters, the matters that you felt comfortable with your associate counsel handling. What is your understanding of FBI background investigation files on individuals?

Answer. That it's a normal part of the process to conduct FBI background reports on individuals if there's a good reason to do it; namely, if they are going to be appointed to a position and they are going to—we want to know the background of these people who are appointed to something.

Question. Were you ever shown background FBI files or ever review any of the background FBI files, either for individuals that were newly coming into your administration—

Answer. I certainly didn't review—

Mr. PEDOWITZ. Let her finish the question.

EXAMINATION BY MS. OLSON:

Question. I was going to say, either for new individuals coming into the administration or holdovers?

Answer. I am certain that I never reviewed any FBI background report of a hold-over.

Question. Okay.

Answer. With respect to new people coming into the administration, I do not believe I reviewed any FBI background report for any new individual coming into the administration.

It is possible that with respect to somebody like the Attorney General or if a problem had arisen with respect to a potential candidate for the Secretary of Defense, that Kennedy or Foster, if Foster was still alive at the time, if there was an issue that arose with respect to a very senior candidate, after they looked at their background, they might have discussed it with me and might have shown me a portion of it. But I have no memory of that. But I—that I think to be possible. As a routine matter, I certainly never looked at background reports. I never ever remember reading one myself, but there were issues with respect to certain people, very-high-level officials, not low-level officials. It's possible that they might have either talked to me about it or maybe even shown me a portion of it.

Question. Do you know who was regularly looking at those files and the results that the FBI came to concerning the new administration people?

Answer. Kennedy.

Question. Okay.

Answer. It's my understanding—you should understand, because we thought about this, that in the prior administration, the Bush Administration, the deputy counsel—I think his name was—I forgot his name. Schmitz, I think.

Question. John Schmitz.

Answer. The Deputy Counsel's Office was right next to Boyden Gray's. He spent all of his time—a lot of his time, not all of his time, but the major portion of his job was to review those FBI reports.

What we did—I did not want Foster to be spending virtually all of his time doing that, and Foster didn't want to spend all of his time doing that. He didn't want to play the same role that John Schmitz was playing. It was a very important role. I don't want to denigrate it. So we organized our office so that that role would be played by somebody that we had great confidence in his that it was his integrity and his intelligence and his experience, and that is Bill Kennedy.

Question. Do you know of any information, training, or briefing that Mr. Kennedy received concerning these FBI background investigations?

Answer. Mr. Kennedy is an experienced lawyer. He was the managing partner of a law firm in Arkansas, the Rose law firm, which is a respected and distinguished law firm. He had worked in Washington in the late seventies for a Congressman or a Senator. So he was a—he had Washington experience. I knew that, and I believed he was an able and qualified person to perform this task.

Question. Did you know specifically if he had ever even seen an FBI background investigation before he started his job?

Answer. No, I don't know if he has ever seen—I don't know if he did or he didn't. He may have. He may not have. I think he was as qualified, if not more qualified, than John Schmitz, who I say—whose qualifications I also don't call into question.

John Schmitz was a younger person who had this sensitive job as well, and, you know, Kennedy was clearly, in my mind, above the category of John Schmitz in terms of experience.

I am not saying he is more intelligent than John Schmitz or anything like that. I think Mr. Kennedy is highly intelligent and have great respect for him and great regard for him, but I think he was well qualified to perform the job that he was asked to perform, and I think he performed it extremely well.

Question. You had mentioned that this was a sensitive job. Were you aware of the legal and, in fact, criminal implications involved in revealing any FBI background check to any individual that doesn't have authority to have those checks?

Answer. Yes, I was aware that there were prohibitions on, you know, revealing, improperly revealing, background information, Privacy Act considerations and other considerations.

Question. Do you know who vetted Mr. Kennedy for his job?

Answer. Vetted Mr. Kennedy?

Question. Yes.

Answer. I vetted Mr. Kennedy. Mr. Foster vetted Mr. Kennedy.

Question. And is that the point where you learned of his tax problems which subsequently became public?

Answer. No, we didn't learn of any tax problems by Mr. Kennedy, and I don't believe to this day that Mr. Kennedy has a tax problem that subsequently became public.

Question. I want to go back and speak specifically to Deposition Exhibit No. 4, which is the Billy Ray Dale form and the issue of other documents around the December period. Were you ever made aware that there were individuals without clearances and with no involvement in the FBI who were typing up these types of forms with your name on them to get background checks?

Answer. Repeat that question.

[The reporter read back as requested.]

Mr. PEDOWITZ. What do you mean by that, "involvement with the FBI"?

Ms. OLSON. They are not FBI agents or personnel.

The WITNESS. I don't know who typed up these forms.

EXAMINATION BY MS. OLSON:

Question. Did you have any general knowledge that volunteers were being brought in on a daily basis to sit there all day and just type up forms from lists they were handed in order to update FBI background files?

Answer. I don't know that to be a fact or not a fact.

Question. I was just asking if you ever were informed of that going on in the White House during 1993.

Answer. I had presumed—you know, I knew somebody was putting together our forms, and I presumed that they were following the procedures that were in force in prior administrations.

Question. Do you know a woman named Jane Dannenhauer?

Answer. Who is she? I have heard that name, I think.

Question. She was working—she was a holdover.

Answer. Yes.

Question. And working on personnel files under Craig Livingstone?

Answer. I am vaguely familiar with the name. If she walked into the room, I wouldn't recognize her.

Question. So you don't believe you had any one-on-one interaction with her?

Answer. I don't believe I had any one-on-one interaction with her. I knew there were people who were in the White House Security Office and other people who were assisting White House personnel, the White House personnel who—which was Craig Livingstone and Bill Kennedy, and they were following procedures that had been in force in the prior administration.

Question. During your meeting with Mr. Kennedy, did he ever bring up or mention any problems Mr. Livingstone was having concerning personnel files? And this would go through the January 1994 period.

Answer. No. The only—the problems—the answer to that is no. I do remember, you know, the need for additional help in this whole personnel, slash, security process. I remember the conversation with Mr. Kennedy about that, that he needed additional help; the people working with him needed additional help.

Question. Some of the information that's been reported concerns Secret Service access lists. Did you ever look at any Secret Service access list during the period that you were White House counsel?

Answer. No.

Question. Did you ever have any discussions about problems with Secret Service access lists during the period you were White House counsel?

Answer. No.

Question. Were you ever involved in any discussions concerning problems that individuals were having updating lists that they were using to obtain FBI personnel files?

Answer. No.

Question. When the administration finally was set in place, at least in the White House Executive Office of the President, were there any briefings or training, that you recall, that you gave or directed to be given concerning the laws that apply to activities particular to the Executive Office of the President?

Answer. Yes.

Question. Okay. Can you describe—I can break it down—but it's probably easier if you describe it.

Answer. You know, we made a great effort. It's tough for new administrations when they come in, especially a Democratic administration after 12 years of Republican administrations and really 25 years of mostly Republican administrations. Since 1968 until 1992, there's only been one Democratic administration. There aren't a lot of Democrats who had a lot of White House experience because of that. And there's no experience that equips you to work in the White House other than working in the White House.

And—but we made a huge effort to hire competent people and for those people to educate themselves with respect to the appropriate practices and procedures and laws that are followed. And then we made an effort to educate other White House personnel and the people I brought in, such as Bill Kennedy I mentioned, but somebody like Beth Nolan who was associate counsel in charge of ethics and conflicts matters, which are a whole area of rules and regulations and laws that have grown up. So we brought people with knowledge of those rules and regulations. They then educated themselves further to the extent that they needed to, and then we had them either conduct seminars or speak to other White House employees with respect to those matters.

And also my associate counsel, Steve Neuwirth, became familiar with a number of these matters. He is somebody who came with me from my law firm who I had confidence in. He was a highly intelligent and able person who worked with me on the Department of Justice transition. He came to the White House Counsel's Office with me, and he made it his business to learn certain areas, such as Presidential Records Act preservation of records, things like that, and he issued a series of memoranda to the White House staff dealing with some of these issues, as well as certain sensitive issues, such as contact with other agencies; especially, law enforcement agencies. And they were the subject of memorandum.

We spoke to other White House counsel as to, you know, generally about what their procedures were, although we didn't have a lot of detail with respect to that, and, you know—and we passed that on when we learned that.

So you put good people in place. They learn the applicable rules, regulations, and law, and then they pass it on as appropriate, as we did to the other members of the White House staff. I think, overall, we did a pretty good job at that.

Question. You had mentioned Beth Nolan who was in charge of ethics. At any time was her job limited to reviewing financial disclosure forms? And by "limited" I mean, did she at any time cease to serve as an ethics officer and become a financial disclosure—

Answer. She never ceased to serve as an ethics officer. She was hired. She never ceased. She was hired. We were very concerned that the appropriate ethical restrictions be followed. We hired the best person we could find. Foster was extremely concerned about that area, as was I.

We got Ms. Nolan to come also about 3 weeks after—we hired Ms. Nolan and Mr. Kennedy about the same time, actually, after making strenuous efforts to get them. We knew Ms. Nolan had very good experience working for people at OLC and being in the academic world, and she was hired as the chief ethics person of the White House to work under me on that subject, and I was the chief ethics officer, but she was really the one who was acting for me, educating me and on my behalf, and I think she never ceased to perform that function as long as I was there.

Now, at one point, later on, when Mr. Kennedy had his—I think under Mr. Cutler, after he replaced me, her responsibilities were expanded to include other areas. But while I was in the White House, she never ceased to act as the chief ethics person, nor do I believe she ever ceased to act as long as she was there.

Question. And is it your understanding, in her capacity as the ethics person, that if there were an ethics issue internally with White House staff, would that go to Ms. Nolan as a general course?

Answer. Yes.

Question. Okay.

Answer. Can we take a break?

Question. Certainly.

[Recess from 11:13 a.m. to 11:19 a.m.]

EXAMINATION BY MS. OLSON:

Question. We are back on the record at—what is it?—11:20.

We have discussed the Billy Dale background check, and I have shown you the Deposition Exhibit No. 4 which has his request.

Do you know if there were any other requests for documents during that period of time? And that would be from the beginning of your administration until about January, which would have included a large group of individuals, not only Billy Ray Dale but other individuals from prior administrations.

Mr. MAZUR. Well, from the beginning of the administration to January of '94?

Ms. OLSON. Yes.

The WITNESS. No.

EXAMINATION BY MS. OLSON:

Question. In January or any time afterwards, up until a week ago, were you ever informed of a snafu or mistake that had been made in obtaining personnel files from prior administrations from the FBI?

Answer. No.

Question. It has been reported that Mr. Livingstone, in January, realized that a mistake had been made. Did he or anyone else contact you, or did you ever have any discussions regarding the mistake he has described about getting FBI background checks on prior administration individuals?

Answer. No.

Question. Would it be fair to say then that you did not direct that any prior background files be moved into any vault or records within the White House?

Answer. That would be very fair to say.

Question. Do you know an individual named Anthony Marceca, M-A-R-C-E-C-A?

Answer. No.

Question. Have you ever met him or heard of him before a week ago?

Answer. Not until the last week.

Question. Were you informed or told that Jane Dannenhauer had left the White House in August of 1993? And my question would include, if you weren't informed specifically of her name, that the person who had been in charge of the FBI background checks and had supervised that had actually left in August of 1993?

Answer. I may have been informed of that. When you first mentioned the name, it sort of rang some sort of bell, so I may have been informed of that fact.

Question. Okay.

Answer. But I have no specific memory of it at this point.

Question. And I would like to correct the record. She actually left in February of '93.

Answer. February of '93?

Question. Yes. So with that correction, had you been told that the person in charge of supervising the FBI personnel files on holdovers had left the White House in February of '93?

Answer. I may have. In my conversations with Kennedy we discussed that we need more people to do this stuff, but I have no recollection of particularly the conversation that you are referring to.

Question. Did you or are you aware of any conversations Mr. Livingstone had discussing any of the information which was contained in any FBI background files from prior administrations?

Answer. No.

Question. Prior to last week, were you ever made aware or told that someone was going through files to obtain derogatory information to report to Mr. Livingstone from FBI background files?

Answer. No.

Ms. OLSON. Mr. Goldberg, do you have some questions?

Mr. GOLDBERG. Thank you. I just have a few questions.

EXAMINATION BY MR. GOLDBERG:

Question. Mr. Nussbaum, were you ever instructed during your White House tenure by anyone to obtain any FBI files on individuals not employed at that time by the administration?

Answer. No.

Question. Did you ever instruct anyone to obtain FBI files on individuals not then employed by the administration?

Answer. No, I never—I never instructed anyone to do that, nor would I ever instruct anyone to do that.

Question. When was the first time you learned that FBI files had been obtained by the White House on individuals not employed by the administration?

Mr. PEDOWITZ. When you say "employed," I assume you also mean employed or to be employed or—

Mr. GOLDBERG. Employed or anyone in need of current access who may not technically be employed but be considered someone in need of access.

The WITNESS. Last week.

EXAMINATION BY MR. GOLDBERG:

Question. To your recollection, did you have any knowledge of this during your tenure at the White House?

Answer. I had no such knowledge. If I had any knowledge of something like that, it would have been—I would have stopped it immediately.

Question. Did you have any reason to believe that this had been taking place at the time?

Answer. I had no reason to believe it was taking place at the time.

Question. Do you have any reason to believe that this incident is anything but a bureaucratic mistake?

Answer. I have no reason to believe it's anything but a bureaucratic mistake.

Mr. GOLDBERG. Thank you. That's all I have.

EXAMINATION BY MS. OLSON:

Question. The follow-up, you said you would have stopped it immediately. What would you have done—

Answer. I would have, you know—

Question [continuing]. With the files?

Answer. If we received files of people we shouldn't have received, I would have had them sent back. That's what I would have done.

Question. And by "sent back," you mean sent back to the FBI?

Answer. Absolutely.

Question. If, in fact, they came from the FBI?

Answer. Absolutely.

Look, what this administration intended to do and what I intended to do and my office intended to do was to act in a proper manner in accordance with the highest ethical standards. That doesn't include getting FBI background reports on individuals who are not employed by the White House or to be employed or who need access to the White House.

And I would have, you know—if I would have known people were doing that, even inadvertently, as I believe it was done in this case, I would have stopped it and I would have had the files sent back. That's right. That's what I would have done.

Question. Based upon your experience as counsel to the President, do you see any reason why such files would be put in a vault and kept for a year?

Mr. PEDOWITZ. Such files?

EXAMINATION BY MS. OLSON:

Question. Files, the files which allegedly were reported by the White House to have been put in a vault.

The WITNESS. I don't know why they were put in a vault for a year and kept for a year. If in fact—the answer is, I don't know.

EXAMINATION BY MS. OLSON:

Question. Okay.

Answer. I just don't know.

Question. Do you know a person named Harry Thomason?

Answer. Yes.

Question. Okay. Can you just tell us when you first met Mr. Thomason?

Answer. I met him—I met him after I became counsel to the President, and I saw him on very few occasions in the White House.

Question. When did you first become aware that Mr. Thomason was being investigated by the Justice Department regarding conflicts of interest?

Answer. I have never become aware that Mr. Thomason was being investigated by the Justice Department regarding conflict of interest. I am aware that Mr.

Thomason—that there is a Travel Office investigation going on in the Justice Department and Mr. Thomason's role, or purported role, or alleged role, is the subject of that investigation, but I don't recall now any other investigation about conflict of interest involving Mr. Thomason.

Question. Let me just take then the Travel Office investigation. When did you first become aware that Mr. Thomason was one of the individuals that was being looked at by the Department of Justice Public Integrity Section?

Answer. Well, I guess I became—when you say “being looked at,” I don't want to quibble with words. I mean, Mr. Thomason's role, Mr. Thomason's conduct, just like everybody else's conduct, including my conduct, is, you know, being looked at.

I know that because people came and asked me—an investigation began. We were told that an investigation would begin into the Travel Office matter. People came in and interviewed me from the Justice Department and, you know, so I became generally aware that they were interested in this matter and they were looking into this matter, both what the people in the Travel Office did or didn't do, Mr. Dale and others, as well as what people at the White House did or didn't do with respect to the Travel Office. I just knew that investigation was going on.

Question. You did not have any idea that the Justice Department was specifically looking at the activities of Mr. Harry Thomason in the White House, apart from—

Answer. Apart from the Travel Office?

Question. Apart from the actual firings and what information he may have had about the firings.

Mr. MAZUR. Let her finish.

The WITNESS. They were looking into his role—the management review, which came out in July 2nd, you know, contains a whole chronology and series and report of events involving the Travel Office and mentions, you know, Mr. Thomason and what—you know, lists certain things that—events and conversations that he played a role in. I knew that was being looked into by the Justice Department.

EXAMINATION BY MS. OLSON:

Question. Did you know that they were looking to determine whether he was a Special Government Employee at any time?

Answer. Yes.

Question. When did you become aware that Mr. Thomason—

Answer. Well, the travel—the Management Review, I think, discusses that issue as well. That was clearly an issue also as to whether—

Question. My question is: When did you become aware, if you recall, when the Department of Justice Public Integrity Section was looking at the activities of Harry Thomason in the White House, which would include Special Government Employee status?

Answer. I became aware that the Department of Justice was looking into the Travel Office situation, and I became aware they were looking into Mr. Thomason in connection with that situation, and I became aware that they were looking into the question of whether he might or might not be a Special Government Employee in connection with the Travel Office matter.

Question. When?

Answer. At about the time the Justice Department announced that it was investigating, publicly announced. This was all public, publicly announced; it was looking into the Travel Office.

Question. Were you ever made aware of the fact that Mr. Thomason's lawyers had contacted Cliff Sloan in July of 1993 to get White House documents on Mr. Thomason?

Mr. MAZUR. Can I have that again, please?

EXAMINATION BY MS. OLSON:

Question. Were you ever made aware of the fact that Harry Thomason's lawyers allegedly contacted—contacted Cliff Sloan around July of 1993 in an effort to obtain documents concerning Mr. Thomason?

Mr. PEDOWITZ. What is “around July of 1993”? Do you have a date?

Ms. OLSON. No, I do not. I have a July 1993 date. I don't—if it's end of June or first of August, not to just limit myself to July.

The WITNESS. I understand. I know the White House was at some point, presumably in that period responding—look, I knew there was an FBI investigation going on with respect to the Travel Office. That was publicly announced when the Travel Office people were fired in May of 1993.

I knew that investigation had expanded, because I was interviewed and I was told that as part of the interviews, expanded not only to an investigation of what the

Travel Office people did or didn't do, but as to what other people did or didn't do in connection with the firings and, you know—and other activities involving the Travel Office.

You know, I knew that. I knew we were—Cliff Sloan was the person in my office at the time who was assisting as one of my associate counsel, who I had confidence in, who was assisting in responding to inquiries, Department of Justice inquiries, primarily.

EXAMINATION BY MS. OLSON:

Question. How about inquiries from Harry Thomason's lawyers? Were you aware of any such inquiries to Cliff Sloan?

Mr. PEDOWITZ. I don't think he finished his answer.

Ms. OLSON. I am trying to get on point. I am going to be here for 3 days at this point.

I don't want to cut you off, Mr. Nussbaum, but I really do want to get to the point so we can move on.

Mr. PEDOWITZ. We were moving along, and he was responding.

The WITNESS. In this one, I think I was going to try to respond. I was trying to put it a little bit in context.

EXAMINATION BY MS. OLSON:

Question. Yes, sir.

Answer. I was aware—Cliff Sloan was the person in my office in charge of responding and working with me in responding to the FBI inquiries and the Department of Justice inquiries.

It may well be, in connection with that—since Harry Thomason obviously was also going to be questioned, it may well be that Cliff Sloan could have been in touch with a lawyer for Harry Thomason in order to gather facts to respond to government inquiries.

Lawyers often—we, the White House, were responding to inquiries. Harry Thomason had a lawyer. He was responding to inquiries. Lawyers who are responding to inquiries normally call each other, talk to each other, you know, gather facts so they can respond completely and fully and truthfully and accurately to government inquiries.

It may well be in that connection a lawyer for Harry Thomason was in touch with Cliff Sloan. It wouldn't surprise me. There's nothing wrong with it, nothing improper. But if you ask me if I have any memory of it today, the answer is no. If you show me a document, it might refresh my memory.

Question. I would like to limit all of my questions not to things that are possible and that are likely and that you believe might be true. I would like to have any specific knowledge that you have about these questions. And if you believe it is a possible and an appropriate thing to do, I would like to just limit my questions to what you know that did, in fact, happen so that we don't have other "possibilities" entered into this deposition.

Mr. PEDOWITZ. I think you may create a very misleading record if that's all you do in asking your questions, because the witness ought to be in a position to clarify the record and make clear when something might likely have happened.

Ms. OLSON. And I do not mind a clarification, but we are all aware that anything is possible. Mr. Nussbaum is an attorney, and we are all attorneys at this table. Everything under the sun is possible to have happened.

Mr. PEDOWITZ. That's not true. That's entirely incorrect.

The WITNESS. That's not true.

Mr. PEDOWITZ. It is not possible that everything happened. That's not true.

Ms. OLSON. Well, it is not serving the purpose of a deposition if I cannot have the recollection and the actual recollection of Mr. Nussbaum.

The WITNESS. You will have my recollection.

Ms. OLSON. Thank you.

EXAMINATION BY MS. OLSON:

Question. Did you ever speak to Mr. Thomason's lawyers while you were at the White House?

Answer. Who are his lawyers?

Question. He had Carl Rauh, and then he had Bob Bennett.

Answer. I have spoken to Bob Bennett. I don't ever remember speaking to Bob Bennett about Harry Thomason.

Question. Okay. Do you recall ever having any conversations with any lawyers outside the White House concerning Harry Thomason or Darnell Martens?

Answer. I have no recollection. It may have happened, but I have no recollection. I have spoken to lawyers for people who—you know, who were responding to Government inquiries.

Question. Do you have any recollection of Cliff Sloan talking to you about a request that White House documents be turned over to Harry Thomason's lawyers?

Answer. I have no such recollection, but it may have happened. And again, if there's a document or a note, it helps. If I look at it, it refreshes me.

You may not have such a document. I am not saying you do. I am not saying you are withholding it or anything like that, but, you know, right now I have no recollection of that.

Question. You said it may have happened. As White House counsel, did you ever take a position that White House documents could be shared with outside lawyers for individuals who were being investigated?

Answer. It depends on the documents you are talking about. Obviously, there are certain sensitive, confidential documents that can't be shared. There are other documents that may well be shared.

Question. If a document is not of a confidential or privileged category, is it your position that you—that the White House counsel could share documents with outside attorneys?

Answer. It depends on the document. It depends on the document you are talking about. You have got to give me a particular document.

Yeah, I think the White House counsel can share the contents of documents with outside attorneys if it's—if there's no prohibition—if there's no particular, I don't know, sensitivity or, you know, we are responding to, you know, invest—investigators, congressional investigators or other investigators, you know, will ask questions, and people are trying to do their best to answer the questions truthfully and accurately. And if there's a document that helps in that process, I see no problem with the White House counsel sharing that document or knowledge of that document with outside counsel.

On the other hand, there are certain kinds of documents that are obviously very sensitive that it's hard for me to imagine sharing a sensitive, secret CIA report with outside counsel or sharing some background investigation of somebody and say, "Here, take a look at this background investigation." Obviously that document, no. But another kind of document, a policy statement that the White House issued or something else, sure, you can share that with outside counsel.

Question. You said you had seen Harry Thomason a few times at the White House. What was your understanding of Mr. Thomason's activities at the White House?

Answer. Well, he was a—my understanding was, he is a close personal friend of the President and Mrs. Clinton's. He is a dear friend of theirs, and he assisted them. He was—he assisted them in staging events during the campaign. He assisted them greatly, I understood, in conducting a very successful Inaugural, and he also, I understood, was assisting in—after the campaign—after the President became President, after he took office, in also determining how best to stage certain kinds of events for the President. He has that kind of talent. He is in show business.

Question. Do you know who was responsible for approving or do you know if anyone was responsible for approving Mr. Thomason to come to the White House?

Answer. No, I—I don't know who was responsible for approving Mr. Thomason coming to the White House. He is a good friend of the President's. Good friends of the President can come to the White House. They have to be checked out, you know, just like anybody else. Nobody can walk into the White House without a name check or some background check of some sort. He can have access.

I presume either the President, Mrs. Clinton or Mack McLarty did it, probably McLarty.

Question. Were you involved in any requests for his pass or his access to the White House?

Answer. I don't remember personally being involved in that. But my office may have been. Beth Nolan may have been. Bill Kennedy may have been.

Question. Do you recall any discussions concerning his access to the White House or what type of access he should be allowed to the White House?

Answer. I may have had such discussions, but at this time, 3 years later, I don't recall any specific discussions.

Question. Do you know who, if anyone, Mr. Thomason reported to officially while he was at the White House?

Answer. I don't know if he reported—I don't know who he reported to officially. I don't believe he reported to anybody officially. I believe he was a friend and an advisor to the President and to the First Lady, and I believe he dealt with them and he dealt with other aides, other presidential aides.

Question. Did you ever review his status during the initial period, before—let's say, before July, 1993, at the White House?

Answer. Actually, I believe in the middle of 1993, around July, you know, we started taking a hard look at the various categories of people who had access to the White House, you know, what categories they fell into, you know, what procedures should be followed with respect to them, what legal laws and regulations applied to them, particularly financial disclosure regulations and conflict-of-interest regulations.

I believe Beth Nolan and others, but particularly Beth, worked on that, and I think Thomason fell within that ambit.

Question. Was there any particular occurrence or event that precipitated that review?

Answer. I guess the—the answer is, I don't remember at this point, but obviously that was after the Travel Office firings and the whole issue of Thomason's role in that and then, what was he doing in the White House. That may have been one of the precipitating factors, but right now I have no memory of that.

Question. Did there come a time where you reviewed Mike Berman's activities at the White House?

Answer. I knew Mike Berman. He was also a friend and advisor to the President and the First Lady. Mike Berman was a former counsel to Vice President Mondale and one of the few Democrats who was experienced in White House matters, and therefore was a trusted friend and advisor to the First Lady, the President and to other people in the White House.

Question. At any time did you order any review of his status to see whether Mr. Berman should be classified as a Special Government Employee while he was acting in that capacity to the President and First Lady.

Answer. I don't recall doing so.

Mr. PEDOWITZ. In that capacity you meant—

Ms. OLSON. As described by Mr. Nussbaum.

The WITNESS. It may have happened. I just don't remember.

EXAMINATION BY MS. OLSON:

Question. During the Department of Justice days when you were over there, did you know a Janice Sposato?

Answer. I don't believe so. What did she do?

Question. She is now general counsel at the Department of Justice, and I believe she used to handle ethics matters at Department of Justice.

Answer. It sounds vaguely familiar, but I don't believe I knew her.

Question. Did there ever come a time when you were aware that the Justice Department had designated Mr. Berman as a Special Government Employee before he came to the White House to—before he came to the White House to give, as you described, informal advice to the President and First Lady?

Answer. No. I don't remember knowing that, if it happened.

Question. I believe Mr. Berman was at the Department of Justice advising Web Hubbell. Did you have any conversations about his status during the period he was at the Department of Justice advising Web Hubbell?

Answer. I don't know whether he was at the Department of Justice advising Web Hubbell. I am sure he knew Web Hubbell and talked to Web Hubbell. Web Hubbell was a friend of the President and an advisor, too.

Question. I believe this advice occurred during the period of Mr. Hubbell's confirmation.

Answer. I see. Yes. I thought you were talking about after he was the Associate Attorney General.

He actually was at the Department of Justice even before he was Associate Attorney General. Now that you refresh my recollection, I believe Mr. Berman—we put together teams when people were of a confirmation proceedings, especially if it was anything more than pro forma, and there were, unfortunately, many more than pro forma; so we put together teams and we tried to put experienced people to lead those teams.

Mr. Berman helped us in that process and probably helped us with respect to the Web Hubbell confirmation proceedings. He headed up or was on the team that assisted Mr. Hubbell in the confirmation process.

Question. Were you aware that during that period he was designated as a Special Government Employee at the Department of Justice?

Answer. No, I was not aware. If it was the appropriate thing to do, then I am happy it was done.

Question. After Mr. Hubbell's confirmation, when he began coming to the White House, did anyone look at his status at that point, whether or not he was going to be a Special Government Employee for purposes of the White House and his activities there?

Answer. They may have. I am not sure.

Question. Did you direct anyone?

Answer. I don't recall directing anyone to look at his status.

Question. Was anyone responsible for looking at the status of individuals who were in the White House as informal advisors to the President?

Answer. Sometime in the middle of '93 we tried to set up procedures to—you know, the legal issues were analyzed, ethical issues were analyzed; we tried to put a set of procedures to deal with that issue.

Question. Before the new procedures were set up in July of 1993, before that, was anyone responsible for looking at the status of individuals who were coming into the White House on an informal basis to advise the president, First Lady and/or others in the administration?

Mr. MAZUR. Could we hear the question read back?

[The reporter read back as requested.]

The WITNESS. That was always—it may have been—I don't precisely recall the date of the new procedures, but that was always an issue for the White House Counsel's Office. We were aware of it from January 20, and certainly from the day Beth came on board, that this was an issue; and we always had our eyes open with respect to this matter.

This was, I believe, part of our responsibility, the White House Counsel's Office responsibility, my responsibility and Beth Nolan's responsibility.

EXAMINATION BY MS. OLSON:

Question. Was anything done concerning Mr. Berman before July to look into his status?

Answer. I don't recall whether anything was done with respect to Mr. Berman because I don't know that we believed anything had to be done with respect to Mr. Berman prior to July.

Question. Was a review made to determine that nothing needed to be done with respect to Mr. Berman?

Answer. I don't recall now one way or the other.

Question. I would like to ask you the same question about Harry Thomason.

Do you know if a review was made of Mr. Thomason prior to July of 1993 to determine whether anything needed to be done about his status?

Answer. I don't recall one way or another whether it was done. It may have been.

Question. Was there any individual in the White House during this July '93 period that you recall was reviewed to determine their informal status at the White House?

Answer. I don't recall at this time.

Question. Do you have any information or any knowledge of Harry Thomason's office space in the White House during this January to July period of 1993?

Answer. I just don't have a memory right now about that.

You know, now the problem is trying to figure out when you learned something. I had heard that Harry Thomason was allowed the use of an office, or sharing an office, in the East Wing at one point in time. I don't remember when I learned that.

He was allowed use of a telephone in somebody's office. I learned it at some time, but I don't know which period I learned it.

Question. During the period that you were Counsel to the President, did you know if Mr. Thomason had brought in an assistant to help him at the White House in his activities?

Answer. I don't remember that.

Question. Did you know during that same period if Mr. Thomason had a dedicated phone line in the White House?

Answer. I had heard about Mr. Thomason either having access to somebody else's phone or maybe having his own phone. I don't remember when I heard that.

Question. Do you know the proximity of Mr. Thomason's office space that he had in the White House during this period to the First Lady's East Wing offices?

Answer. I don't know what the proximity was.

Question. Were you ever informed—

Answer. The East Wing is not very large. Everything is proximate to something else, both in the West and East Wings. If you have access to the East Wing, or access to an office in the East Wing, or are using somebody else's office, you would be close to the First Lady in the East Wing. If you are using the West Wing, you will be close to the First Lady and President in the West Wing.

Question. Do you have any knowledge, or were you aware of the reporting of Harry Thomason in the White House?

Answer. The reporting—

Question. The stated reporting chain of Harry Thomason in the White House?

Answer. I have no knowledge of Harry Thomason being in any reporting chain in the White House.

Question. Did anyone ever inform you, or were you aware that Mr. Thomason's pass information said that he reported directly to the President?

Answer. No. I don't remember anybody informing me of that fact, if it is a fact.

Question. Did you have any conversations with the President concerning Mr. Thomason's activities at the White House at any time?

Answer. No.

Question. Did you have any conversations with the First Lady concerning Mr. Thomason's activities at the White House, either formally or informally?

Answer. No.

Question. Did you have any knowledge of Mr. Thomason's contact with the President and First Lady during the period he was at the White House?

Answer. Yes. I just knew he was in the White House. I met him. I met him as he was walking through the halls. I met him at social events. We chatted with each other. He was a friend and advisor to the President, so I was aware of his contacts with the President and the First Lady. I assumed there was nothing wrong or improper about it.

Question. Were there any specific issues, other than those you described, about the imaging work he was doing, that you knew he was in contact with the President and/or the First Lady?

Answer. He may have been in contact on other things, too, but that is what I remember at this point. I do remember at some point his name came up when a hard focus was done on who is a Special Government Employee and who is not. When we were focusing on those issues, I remember he was included with the people we looked at with respect to that and tried to reach conclusions about as to whether he was a Special Government Employee.

Beth was a superbly competent person who was tasked—a word I hate to use, one of which—to do that, and I think she did some preliminary analysis with respect to that issue.

Question. Did you discuss her analysis of that issue concerning Harry Thomason or others with the President and/or First Lady?

Answer. I never discussed it with the President or First Lady. I discussed it with Beth.

Question. Do you have any knowledge of a memorandum Mr. McLarty sent to White House staff concerning Harry Thomason's activities at the White House?

Answer. Do you have a copy? I would have to take a look.

Mr. MAZUR. I am not sure what she is referring to.

The WITNESS. I have to look at it.

EXAMINATION BY MS. OLSON:

Question. Do you recall ever specifically seeing a memorandum?

Answer. Vaguely, yes. That is why I would have to see it. I saw a lot of memorandums when I was in the White House.

Question. We don't have the memorandum, so acting on your memory—

Answer. I have a vague recollection of a memorandum—

Mr. MAZUR. You don't possess it, or you don't have it here?

Ms. OLSON. I don't possess it. But we have been given other "vague recollections" of a memorandum, which is why I am asking if Mr. Nussbaum has more than a vague recollection, so that I can get more information.

The WITNESS. You and I share a similar vague recollection.

EXAMINATION BY MS. OLSON:

Question. Do you know what an entity called the Hope Foundation is? And this would be, to put it in a context for you, with the PIC funds, Presidential Inaugural Commission?

Answer. I know there was a Presidential Inaugural Commission, I know they raised money and put on a successful inauguration. They had their own offices and general counsel and things like that, I know that. I don't know what the Hope Foundation is.

Does this come from the place called Hope?

Question. I think that is the basis of the name.

Answer. It is the kind of thing I probably would have heard of, I guess, then, but I have no memory of it right now.

Question. Are you aware of any discussions with you concerning the propriety of taking PIC funds to use to hire extra White House staff after the 25 percent cut?

Mr. MAZUR. This is something within the scope of the Travel Office?

Ms. OLSON. Yes. Harry Thomason was involved in PIC. He was on the board. So was Mike Berman. It was an issue.

The WITNESS. Yes. I have some recollection.

EXAMINATION BY MS. OLSON:

Question. Did you perform any legal analysis or any advice—

Answer. Vince Foster and I discussed it; and I remember sometime, because, you know, there was some discussion between Foster and I as to whether or not it would be possible to use, you know, funds left over from the inaugural to deal with the need for help in the White House, staff help and other help; or for other kinds of things, equipment or things the White House needed.

All I remember—and this is vague—I remember Foster said he would look into it, he would do whatever legal analysis was necessary to do. I don't remember any conclusions being reached at this point. Some conclusions may have been reached, and it may be reflected in documents, but I do remember having that discussion with Vince Foster about PIC.

Question. This is a March 18, 1993 memorandum to Ricki Seidman from Vince Foster. I will mark it Deposition Exhibit 5. It is Bates-stamped CGE 38441.

[Nussbaum Deposition Exhibit No. 5 was marked for identification.]

The WITNESS. I don't recall seeing this memo, but one of the—obviously this is a memo from Foster to Seidman, who was in charge of scheduling, and one of the cc's is to Cheryl Mills, who is another Associate Counsel, another able person on my staff, who was dealing with these kinds of issues—travel, scheduling, things like that. And so I would not be surprised if Foster worked with her in trying to analyze the legal issues with regard to this matter of using PIC funds or any other outside funds for these purposes.

EXAMINATION BY MS. OLSON:

Question. It says in that memo that Berman was preparing a legal analysis for the White House on the issue of using outside funds. Were you aware of any requests from Mr. Berman to prepare a legal analysis on that topic?

Answer. Was I aware? No.

Am I surprised? No, because Berman is a lawyer, he is a lawyer now, has experience in a prior Democratic White House as counsel to the Vice President and it is a way of getting help from people on the outside to see if they can do a legal analysis.

It is ultimately our responsibility. We can't accept it because somebody does a legal analysis. It is like calling a former Republican Counsel to the President, saying, give me your ideas on something, or do a legal analysis on something, and I will make a judgment whether I want to accept it or not or do further legal analysis.

But do I remember now being aware of it at the time? The answer is no.

Was I aware of it at the time? I may have been. Foster and I, our offices were right next to each other. We were in constant contact with each other.

Question. Was there anyone in your office who would review Mr. Berman's lobbying activities at the White House to determine whether his preparation of legal analysis for the White House posed a conflict of interest?

Answer. I don't believe—

Question. Were you aware of Mr. Berman lobbying at the White House?

Answer. No.

Question. Were you aware of any meetings he had with Bruce Lindsey to lobby for aircraft clients during the time he was at the White House?

Mr. MAZUR. Could we have the question read?

[The reporter read back as requested.]

The WITNESS. No.

EXAMINATION BY MS. OLSON:

Question. Was there anyone at the White House designated to review that type of activity to see if there was a conflict of interest?

Answer. I don't know if there was any such activity. Conflicts of interest and ethics were in the purview of the White House Counsel's Office. We would be in charge of reviewing such things if such things happened.

Question. Were you aware that he was a lobbyist by profession?

Answer. Yes. I was aware that he was working for a lobbying firm headed by a prominent Republican.

Question. Were you aware that that was at the same time that he was providing informal advice in the White House?

Answer. That is correct. I was aware that he was in a lobbying firm at the same time he was advisor to the President—not advisor to the President. He was a friend and advisor to people in the White House.

Question. Was there any procedure that you set up whereby Mr. Lindsey would seek advice or legal rulings if individuals came to lobby him, that he might have questions about?

Answer. We promulgated appropriate ethical conflict of interest and financial disclosure rules, and we disseminated that, both orally and I believe in writing, to people in the White House.

Question. Would that have been prior to July of 1993, or after July of 1993?

Answer. It would have been—you show up in January and it takes a little time to, you know, start doing things. We were doing it from Day One. We were highly conscious from Day One of ethical constraints, financial disclosure requirements and conflict of interest requirements; and yes, the answer is yes, we were doing it prior to July of '93. It became more formal and more extensive as time went on, which is logical, but we were doing it from Day One.

Ms. OLSON. I have a document I will mark Deposition Exhibit 6, Bates-stamped CGE 38442. It is on note paper of Vince Foster to Cheryl Mills and says, "This looks like your area. Keep me posted." I believe it is signed "Vince."

The next page is a memo to Vince Foster, cc to John Podesta, from Marsha Scott concerning the subject of financing of correspondence projects.

[Nussbaum Deposition Exhibit No. 6 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. My question is, have you ever seen that document, the two pages, one or the other page?

Answer. No, I don't recall seeing it. I may have, but I don't recall seeing it.

It is a good example of what I was talking about before, how conscious people were—throughout the period, people were always coming and asking, is this right, can we do this or that; and Vince Foster, Cheryl Mills, Beth Nolan, a number of people on the White House staff were always very conscious of these problems and issues and trying to provide the best advice they could give with respect to this.

Ultimately, as time went on, we made it more and more formal.

But the answer is, no, I don't remember seeing this.

Question. And that conscientiousness also included people's status as Special Government Employees?

Answer. Yes, that was part of it.

Beth was very conscious of that issue. She and I talked about that issue, she wrote memoranda on that issue, we did factual analysis of that issue, and we made judgments as we went along.

Question. Did there come a time when you learned about an imaging project memo that Mr. Thomason was working on at the White House?

Answer. About the project or the memo?

Question. The memo.

Answer. I don't recall ever learning about the memo. If there is a memo and you show me the memo, it might or might not refresh my recollection.

Question. This will be Deposition Exhibit Number 7. It is CGE 1461. It is entitled White House Project.

[Nussbaum Deposition Exhibit No. 7 was marked for identification.]

The WITNESS. Do you know when this was done?

Mr. MAZUR. The question is whether you have looked at it and do you recall having seen it.

The WITNESS. I don't recall having seen it, but I recall discussions about some of the issues in it. I don't recall having seen the memo specifically.

EXAMINATION BY MS. OLSON:

Question. Do you recall discussions concerning the production of that document to other investigators?

Answer. No. I don't know what time frame you are talking about.

Question. This would have been probably after, certainly after May 19, 1993, and throughout your tenure in the White House until you left in '94.

Answer. There was always issues about production of documents and what is proper or what is not proper, what is privileged or what is not privileged. I don't

recall any discussions about the production of that document. It is possible it took place, but I just don't recall. Not everything is possible, but some things are possible.

Question. Can you just tell us what information, what discussions you had regarding the Harry Thomason documents that the Public Integrity Section was seeking to obtain?

Answer. I don't remember any discussions right now about that. Again, it is possible I was involved in such discussions, but I don't remember.

Question. There was a period leading up to November of 1993 when the FBI and Department of Justice signed an agreement with your counsel that they could see Harry Thomason's documents, couldn't copy them, couldn't take notes. Do you recall that agreement that was reached?

Answer. Cliff Sloan or Neil Eggleston?

Question. Yes.

Mr. PEDOWITZ. Those are members of the White House Counsel's Office, associate counsel?

The WITNESS. Yes. I remember an agreement about people coming over to look at documents, but I remember such an agreement, I believe, with respect to the GAO. I don't remember any such agreement with respect to the Department of Justice or the FBI. But it is possible that such an agreement was made.

We were concerned then and I was concerned about, you know, privilege issues, about—not only attorney-client and work product, but executive privilege issues, and I think it is a sensitive area. I am not saying other institutions, such as the Congress certainly, and such as the Department of Justice or the executive branch, don't have legitimate needs.

So you have to try to balance those things out, and what we were trying to do is balance those things out so people could have access to the information they needed without unnecessarily waiving privilege or confidentiality and setting unfortunate precedents.

Question. I want to limit this to the Harry Thomason documents that were being sought, and one of the documents that was finally shown to the Department of Justice and FBI agents was this imaging project document.

Do you have recollection of discussions concerning privilege issues over Harry Thomason's White House project document?

Mr. PEDOWITZ. That specific document?

Ms. OLSON. Yes.

The WITNESS. I have no recollection at this time of any such discussions.

EXAMINATION BY MS. OLSON:

Question. Do you have any recollection of any discussions over Harry Thomason's documents generally and whether they had privileges attached to them?

Answer. There may have been such discussions, but I have no recollection of them at this time.

I must say that if my staff, such as Cliff Sloan or Neil Eggleston, participated in such a discussion, it is highly likely with respect to an issue like that they would come to me and discuss it with me—just our practice. I just don't remember that happening at this time. It may have or may not have.

They may have more direct memory. I don't think they would take positions on privilege issues with respect to Harry Thomason documents without coming to me at some point with respect to that matter.

Question. Did you ever direct anyone in your office not to turn over documents concerning Harry Thomason or Darnell Martens to the Public Integrity Section for any purpose?

Mr. PEDOWITZ. What does "for any purpose" mean?

Ms. OLSON. I mean whether he validly thought they were nonresponsive, they were privileged, or for any purposes. I want to include nonresponsive purposes.

The WITNESS. Again, issues of production dealt with by associate counsel, if they were involved in those issues, I just don't remember that at this point. I remember the investigation involving Harry Thomason and Darnell Martens, but I don't remember issues of the White House producing documents with respect to right now.

If that did arise and Sloan or Eggleston dealt with it, that is something that would come to me. I would be surprised if they did anything with respect to that without talking to me.

I don't remember that happening right now, if there was a document or testimony by them with respect to this thing; but right now I have no memory of discussing Thomason, Darnell Martens—production of those documents.

Question. Just as a general background, there were requests for Harry Thomason's documents. They did go to Neil Eggleston and two documents were found after a signed statement was proffered to Mr. Eggleston, signed by Mr. Goldberg, who was the prosecutor at the Department of Justice, as well as FBI agents that they would only look at the documents, take no notes, make no copies.

One of the two documents was the White House project which we have marked as a deposition exhibit. My question is whether you recall specifically putting those limitations on documents authored by Harry Thomason.

Answer. The answer is, if in fact that happened—and I have no reason to disbelieve what you are saying now—if in fact that happened and Neil Eggleston worked out that agreement with the Department of Justice with respect to how they should see those documents, I would have been involved with it. I don't remember it right now, but I would have been involved. Eggleston would not make such an agreement or take such a position without discussing it with me.

Question. Then I will move on, if you have no present recollection.

Answer. I don't have any present recollection.

Question. My only follow-up is the basis for the decision, but if you have no present recollection, I assume you can't tell me the basis of a decision to not allow the Department of Justice prosecutor or FBI agents to have those documents.

Answer. I had a number of general discussions during this period with Eggleston about production of documents, production of privileged material, and there are real issues about work product, about attorney-client, but also about executive privilege—you know, presidential documents, documents that are used to advise the President, to assist the President in policy-making, there are issues as to whether they are covered by executive privilege, whether the White House should try to keep those things confidential in order to enable it to better function.

There are real serious issues about that, and we believed that executive privilege applied not only vis-a-vis Congress, but there are legitimate issues, although we could dispute this, as to whether it applies vis-a-vis other executive agencies such as the Department of Justice. On the other hand, there was a reluctance, just because Justice comes and says I want to see all documents that Harry Thomason sent to the President, if that is what Justice wants to see, turn it over to them. There were legitimate executive privilege issues that we were trying to grapple with.

On the one hand, we want to assist Justice in conducting their investigation. No one wants Justice to be more accurate and more complete than we do. It is our Justice Department. We want a strong and independent Justice Department, so we don't want to inhibit their investigations. On the other hand, we are faced with this need to preserve confidentiality, executive privilege, of White House materials.

We don't want to set bad precedents, we don't want willy-nilly to turn over documents to other executive branch agencies such as Justice. How do we reconcile these two things? It is not an easy issue.

Present White House counsel is facing similar issues now. And one of the ways—although you run the risk of waiver and there are all sorts of other issues that arise, one of the ways you do it is say, look, we want you to feel comfortable that you are running a complete investigation and that nothing is being kept from you. On the other hand, we don't want to set a precedent just turning over stuff that the Office of Integrity decides it wants that comes from the Oval Office or the West Wing or advisor to the President.

So why don't you look at this? We will run the risk of precedent and waiver. We will let you look at it to satisfy you that there is nothing that is being withheld that is of great use or moment to you. If this is of moment or use, then you can take appropriate procedures later on. That is the kind of balancing we were trying to do.

I was involved. Eggleston was my senior person in that area once Vince Foster was dead in July of '93, and that is the way we tried to handle those kinds of situations.

Question. You had categorized documents coming from the Oval Office, documents coming from your office advising the President and documents coming from advisors, all together. Do you see any distinction between documents such as the White House project was created by Harry Thomason, who was not a government employee, I take it?

Answer. That is a fair statement. I think there are degrees of sensitivity and confidentiality. Obviously a document coming from the National Security Advisor, Tony Lake, or the Counsel to the President, me at the time, may have greater sensitivity than something coming from an advisor on events. I understand that.

On the other hand, you know, there is a great desire to encourage people to interact with the President, advise the President, provide documents to the President and, well, executive privilege is designed to cover some of those situations.

I agree, you can make distinctions between kinds of documents.

Question. Were such distinctions made during the period when the Public Integrity Section was asking for Harry Thomason's documents?

Answer. I think they were. One of the things we did here—relying on your statement, one of the things we did here is, we didn't say, no, we are not going to show you these documents. We are standing on executive privilege; you cannot see them. If you want to subpoena them, subpoena them; we will fight you in court.

We showed people documents. Distinctions were made. I am not saying we would do that to every document in the White House.

Question. Did there come a time when you realized there were more than two Harry Thomason documents in the possession of the White House and the two Harry Thomason documents are the two that were initially shown to the FBI and Department of Justice under the original protocols of, look, but don't take notes or copies?

Mr. MAZUR. He took all that on faith from you. You asked him about those issues before.

EXAMINATION BY MS. OLSON:

Question. Let me expand my question. Did there come a time when you realized there were additional Harry Thomason documents that had not previously been turned over to the Public Integrity Section?

Answer. I have no memory of that now.

Question. Do you have any memory of any discussion with Neil Eggleston concerning problems he was having with Department of Justice concerning failure of the White House to turn over documents concerning Harry Thomason?

Answer. No, I don't remember such discussions at this time with Neil Eggleston. They may have taken place, but I don't remember now; it is a couple of years already. I just remember discussions, general privilege discussions and general what I will call "balancing discussions," how to try to deal with privilege issues, but nonetheless satisfy in some respect the Department of Justice. That was very important.

I don't remember ever in the final analysis refusing to let the Department of Justice have access to a document that they really wanted, even though—I remember ultimately, even though we were very concerned about privilege issues, ultimately—if they asked for something and they wanted something, ultimately one way or another, we would bend over backwards to reach an accommodation even though we felt it might impinge on certain privileges the White House had.

Question. Did Mr. Eggleston ever relate to you information that the Department of Justice was threatening a subpoena to your White House from the Department of Justice for your Counsel's Office's failure to turn over documents concerning Harry Thomason and Darnell Martens?

Answer. I remember Mr. Eggleston just telling me about discussions with the Department of Justice with respect to document production issues. I don't remember him telling me at this time that they threatened a subpoena. It is possible he did that, because I do remember some times when discussions with the Department of Justice became contentious. So it wouldn't surprise me if a subpoena was threatened.

Question. Are you aware that a subpoena was ultimately issued by the Department of Justice demanding all of Harry Thomason's and Darnell Martens' documents be turned over?

Answer. Am I aware now, no. If it happened while I was there, would I have known it? Yes.

Mr. PEDOWITZ. What was the date of the subpoena?

Ms. OLSON. September 1994.

EXAMINATION BY MS. OLSON:

Question. It was after you left. Were there discussions about the subpoena before you left?

Answer. If I were there, I would have known about it.

Mr. PEDOWITZ. So we are clear, September 1994 is long after he left.

Ms. OLSON. That was when the ultimate subpoena was finally issued, a grand jury subpoena.

Mr. MAZUR. You are saying you have information—

Ms. OLSON. It was not while Mr. Nussbaum was there.

My question, to clarify, was that there were discussions that we believe occurred very early on during the period while Mr. Nussbaum was there between Neil Eggleston and the Justice Department prosecutors, where they discussed having to go to a subpoena if they didn't obtain the documents.

Mr. PEDOWITZ. Do you know the dates?

Ms. OLSON. The dates went up from about September of 1993 through the period when the actual subpoena was issued.

Mr. PEDOWITZ. But that spans a very substantial period where Mr. Nussbaum is not at the White House.

Ms. OLSON. Which is why I asked Mr. Nussbaum if Mr. Eggleston ever discussed those conversations with him during the period he was there.

The WITNESS. I have no present memory of it now, but it may well have happened, because I remember a number of discussions with Eggleston about, what is the proper way to proceed with production problems?

EXAMINATION BY MS. OLSON:

Question. Did Mr. Eggleston ever discuss his resignation with you and the basis of his resignation?

Answer. At the time he resigned?

Question. Or at any time afterwards.

Answer. Yes. I talked to Neil before he resigned. This was—when did he leave? I don't remember—a year ago something like that. He called me and we discussed the issue as to whether he should—

Question. September of '94 was his final resignation date.

Answer. They wanted him badly to stay in the White House. He wanted to go back to private practice. He came in under me; I was no longer in, September '95, so he stayed over a year after I was gone. I left late March of 1994, and we discussed whether he should stay or resign. He sought my advice and we discussed the pros and cons.

Question. Did Mr. Eggleston ever discuss the fact that in a letter to the prosecutor at the Department of Justice he turned over some Harry Thomason documents that had been in the possession of the White House Counsel's Office but not produced? In that letter, he took full responsibility and informed the prosecutor that his resignation was effective that date.

Did you ever have a discussion with Mr. Eggleston about that letter?

Answer. No. We never had a discussion about that letter.

I don't know what you are suggesting, if I played a role in his resignation. He never discussed that with me, and I don't believe I played a role in his resignation.

Question. Did Mr. Eggleston ever discuss the fact that his resignation was connected to the failure to turn over Harry Thomason and Darnell Martens documents to the Department of Justice or other investigators?

Answer. No. I had a discussion about his resignation. He never mentioned that and it is inconceivable that his resignation was in way connected to that. The discussion was whether or not it would be best for his career to go back to private practice at this point or to stay in the Government.

Mr. PEDOWITZ. There was discussion about the fact that the White House was anxious that he stay?

The WITNESS. That is why he called for my advice. The White House was enormously anxious for him to stay, pleaded with him to stay, offered him possible promotions in order for him to stay. But he decided that it wasn't as much fun; it was time to go home.

EXAMINATION BY MS. OLSON:

Question. I would like to move into an area of the ICAP documents. Do you know what ICAP stands for?

Mr. PEDOWITZ. Before we leave this subject, I would like to comment for the record about the question that you asked.

There were a whole series of questions about conversations that Bernie Nussbaum might have had with Neil Eggleston in the last half-hour or so, and it is entirely unclear from the record when these disputes with the Justice Department arose.

There is a very substantial period of time in this roughly year-long period where Bernie is not in the White House. He resigned at the beginning of March of 1994 and effective the beginning of April. I believe that he was not as involved as he had been in the month of March in many of the White House activities that he had been involved in previously. Lloyd Cutler had arrived in the office during the month of March, and while the resignation was effective as of the beginning of April, Bernie had effectively left the office about the third week of March of 1994, as I recall, and moved out of the White House at that particular stage.

So as you construct your chronology of events, I would like to make it very clear that Bernie would not have been in a position to have discussions about some of

these subjects. Obviously, if he were not in the White House, those would not have been raised with him.

I don't know how many of the questions that you asked him about conversations with Neil Eggleston were with regard to conversations that occurred during the period of time that he was outside the White House. The record may be read to suggest that if you are asking questions about conversations had with Neil Eggleston about a particular topic that necessarily Bernie would have been there or that you had a basis for believing he was there.

Ms. OLSON. I have a basis, or I would not be asking the question.

I agree, these are discussions that did span through Mr. Nussbaum's tenure and into Mr. Cutler's tenure. My basis is, they began during Mr. Nussbaum's tenure and I would like to ask if Mr. Nussbaum had any recollection or any knowledge of those kinds of conversations. I don't mean to suggest that he did, or had them. I just know that there were discussions between Mr. Eggleston and the Justice Department concerning those topics, but I have no reason to believe one way or the other whether or not Mr. Eggleston in fact then reported them to Mr. Nussbaum and in what fashion he did, other than what Mr. Eggleston has told me in his deposition.

Mr. PEDOWITZ. That is fair. And of course you have Mr. Eggleston's deposition, and hopefully at some point a clear chronology will evolve. I wanted to make it clear that there may be some questions that a reporter might read that might suggest that Bernie was involved in a discussion where he may not have been in the White House at the time.

EXAMINATION BY MS. OLSON:

Question. I am going to move on to the Harry Thomason-Darnell Martens government contract issue, and specifically I wanted to ask you, did there come a time where you became aware of the fact that Darnell Martens had had meetings with individuals concerning obtaining government contracts?

Answer. What I remember now is something to the effect that at one point Darnell Martens or somebody connected with Darnell Martens wanted to do an audit of the aircraft fleet of the United States, and felt he could bring economies, rationalize the process of use of government aircraft. When I learned of this, the Travel Office imbroglio had already blown up, which it did in May of '93, and a decision was made in the White House which I concurred in and urged that nothing, you know, be done with respect to going forward with any such project.

And I believe I wrote a memorandum at some point in time, just reflecting that decision or memorializing that decision to make clear to people, you know, things get lost, that we are not going to go forward with any contract with Darnell Martens or anybody connected with him to audit government aircraft. That is what I remember.

Sitting here now, that is what I remember happening sometime, I believe, in '93. That is all I remember about Darnell Martens and government contracts, which is the question you posed.

Ms. OLSON. I need to take a 2-minute, 5-minute break. Thank you.

[Brief recess.]

EXAMINATION BY MS. OLSON:

Question. I wanted to refer to some of the ICAP documents, and mainly I wanted to ask you, there came a time when you said that you decided to stop any forward progress on the ICAP project.

Mr. MAZUR. He didn't say ICAP. You said ICAP.

The WITNESS. Is that the audit of government airplanes?

EXAMINATION BY MS. OLSON:

Question. That is who it was being done through. ICAP is one of the arms of the GSA Administration which handles aviation policy, which—the audit, as proposed by Mr. Martens, was going to go through that agency, using them as backup. And I will probably refer to it as ICAP for document purposes, because my question is, did you become aware of a body of documents concerning Mr. Martens' request for—Mr. Martens seeking government contracts that were being requested by other investigators?

Mr. MAZUR. You are looking for—he, being aware of a request for these documents that were at the GSA?

Ms. OLSON. No, they were at the White House, a body of documents concerning that matter at the White House.

The WITNESS. Who was requesting the body of documents?

EXAMINATION BY MS. OLSON:

Question. These were being requested by Public Integrity, as well as GAO, when they asked for Harry Thomason or Darnell Martens documents.

Mr. PEDOWITZ. And the reference to "other investigators" was to include those two or exclude those two?

Ms. OLSON. I would like to include those, but certainly any others that Mr. Nussbaum has knowledge of that had requested documents that would come within the purview of those.

Mr. MAZUR. Would you reframe the question, please?

EXAMINATION BY MS. OLSON:

Question. Did there come a time when you became aware that the White House was in possession of documents being requested by investigators concerning Darnell Martens seeking government aircraft contracts?

Answer. I have no recollection of that at this time.

I keep repeating a little bit. I am sorry. If it came up when I was Counsel to the President, this is something that Eggleston would have handled. He was in charge of dealing with investigations. If it came up during when he was counsel, it was something he would have talked with me about. I just don't remember now having discussions with him about this issue. That is all I can say.

I must say this, because it is clear this ran past my time into September, so this may have gotten hot at some time after I left. If it had gotten hot when I was there, he would have discussed it with me. If it had gotten hot after I left, obviously I would have no role in it.

If you are asking, do I remember this issue arising between the two of us, the answer is no.

Question. At any time did you become aware of conversations between Harry Thomason and President Clinton about obtaining these contracts for his company, TRM?

Answer. No.

Question. Were you ever shown any memoranda that discussed Harry Thomason's discussions with the President about trying to obtain these contracts for TRM?

Answer. All I remember learning at some point is that Harry Thomason believed and conveyed to people in the White House, and conveyed also to the President, that in certain areas the government, including this aircraft area—the government could operate more efficiently on a competitive bidding basis, they would get better service at lower cost, and that he conveyed this up and down the line. He conveyed it to people on the White House staff and he conveyed it to the very top levels of the White House, to the President and the First Lady.

I remember knowing that, hearing that, reading that someplace. That is what I remember with respect to that.

Did I see a memorandum? That is possible. But I remember the subject matter and what he believed and the advice—I know Harry Thomason; I know he believed in good faith.

Question. Did you or did you direct anyone to review Mr. Thomason's companies to see whether he had a conflict of interest in the aircraft area?

Answer. By the time this information—we were aware of this, the Travel Office thing had blown up. It was clear that there were pending investigations with respect to that matter—nothing is going to be done with Harry Thomason or Darnell Martens in this area; we made sure of that. We stopped any possibility of that.

So I don't remember, in addition to that, looking into the conflict situation, although somebody may have. Somebody may have.

Question. Do you have any present recollection of asking anyone to look into Mr. Thomason's partnerships or ownerships of companies in the aircraft area before the firing of the Travel Office employees?

Answer. Before the firing—I have no recollection before the firing.

After the firing, because this issue quickly came to the fore, I remember having discussion with Vince Foster as to—this is after the firing, after the publicity—as to what, did Harry Thomason have any economic involvement in any entity which was looking to do business with the government. But I don't remember anything before.

Ms. OLSON. I have three memorandums, and I will mark them, all three, as Deposition Exhibit Number 8. The purpose for putting them in the record and having you look at them is because they are dated.

The first one is a January 29, 1993, memorandum to Harry from Darnell, which talks about TRM action items and discusses under subsection D, back in January, that they were to determine who controls the scheduling of the White House press

corps aircraft and says, this can be done by TRM much as the campaign aircraft were handled.

The second memorandum is CGE 17424, which is a February 11 memorandum which refers back to this January 29th memorandum and once again talks about the Federal aircraft fleet, as well as the President stating to CNN that savings could be had, to review government aircraft. It also has a cover page for action and says the President has seen that memorandum.

The third memorandum is CGE 2224, which is dated March 12, 1993, to Harry Thomason from Darnell and significantly says—that opens up, Based on your discussions with President Clinton of the February 11th memorandum—

[Nussbaum Deposition Exhibit No. 8 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. Those I wanted to show to you to put in a time perspective, which is clearly before the May 19, 1993 firing, and put that in the context of any review that might have been ordered or any information passed on to you that, in fact, these activities were going on by Darnell Martens and/or Harry Thomason to secure government aircraft.

Answer. No, I did not know about these activities prior to the firing or termination of employment of the people in the Travel Office.

I first learned about some of these activities thereafter, and where I really learned about them was when I read the management review which was done by Podesta and Todd Stern, which contains a section which talks about these January-to-March activities and from March-to-May activities,, which was ultimately—the ultimate submission and discussed some of these issues; and that is when I first had an understanding of some of these things.

But during the January-February-March period, certainly I did not have, you know, knowledge of this.

Mr. PEDOWITZ. Before we leave this, just one brief comment. When you read into the record a portion of the third memorandum, the March 12th, 1993 memo—

Ms. OLSON. I read the first sentence, I believe.

Mr. PEDOWITZ. Yes. I am not sure that would clearly emerge from the transcript the way you read it. That is, the sentence based on your discussion with President Clinton, when I heard it, I thought you were saying that there was a Bernie Nussbaum discussion with President Clinton, and if you—I just want to make a record that the word “your” there apparently refers to discussions between Thomason and the President.

The WITNESS. Right.

Mr. PEDOWITZ. Thanks.

EXAMINATION BY MS. OLSON:

Question. Do you recall any meetings after the firings, approximately about a week after the firings, which was attended by you in Mr. McLarty's office where these events were discussed among White House Counsel's Office and Mr. McLarty?

Answer. Which events?

Question. The seeking of Government contracts and by Harry Thomason and/or Darnell Martens.

Answer. I don't—it may well have happened. I just don't have a recollection right now. I just know I started learning about these things thereafter.

That could have been at one of those meetings, and ultimately it, you know, led to this memorandum that I wrote at some point saying, you know, we should not do anything with regard to the ICAP project or the auditing of fleet aircraft is the way I remember it.

Question. Was there any discussion that you had with Neil Eggleston or others in the Counsel's Office concerning the production of these body of memoranda and documents to investigators?

Answer. No. You know, I don't remember that, and the more—you have been asking a lot of questions about that, and I really don't remember that. I am beginning to think that this happened after I left, because I think I would have remembered it if it happened before I left.

Now, it's possible that I forgot it, you know, and it happened before I left, but I don't think it happened.

Now, you know—you have had access to Neil as to when these things took place. This is the kind of thing Neil would discuss with me. Maybe we did have some discussion, but I don't remember it, and the more these questions are asked, the more I am beginning to think that it happened after I left.

Question. So you don't have anything that stands out in your mind specifically regarding these issues?

Mr. MAZUR. Excuse me a second.

Ms. OLSON. All right.

The WITNESS. Excuse me?

EXAMINATION BY MS. OLSON:

Question. Would it be fair to say that none of the requests for documents that might encompass Darnell Martens and Harry Thomason memorandums stick out in your mind?

Answer. No, but it doesn't mean it didn't happen. You are right, they don't stick out in my mind, but it doesn't mean it didn't happen. It doesn't mean it didn't start on my watch, and it doesn't mean we didn't have any discussions.

Question. Do you have any knowledge of any decision to remove all references to ICAP or TRM seeking Government contracts from the White House Management Review?

Answer. Oh, no. No, I have no knowledge of such discussion.

Mr. PEDOWITZ. Just so we are clear, are the three memos that comprise Exhibit 8 the documents that you were talking about earlier that were discovered later by Neil Eggleston? That is, Thomason-related documents that were discovered later?

Ms. OLSON. No. They are among the documents. There are numerous other documents later discovered. There is a chronology of documents being discovered continuously throughout the year relating to Harry Thomason—those are some of them—which were found and produced to the Department of Justice leading up to their subpoena.

The WITNESS. Right. The subpoena of September of 1994.

EXAMINATION BY MS. OLSON:

Question. Did you see early drafts of the White House Management Review?

Answer. I saw late drafts of the White House Management Review, a late draft of the Management Review.

Question. Do you recall how many drafts you saw before the final draft?

Answer. One or two. That was provided for my comment.

Question. And in those drafts, did you read about the ICAP documents and/or Harry Thomason or Darnell Martens seeking Government aircraft contracts?

Answer. I don't remember if I did or didn't. I mean, I saw a section which ultimately was in the Management Review concerning Martens and Thomason and what they call the early activities, the January to March activities, but—obviously, I read whatever was in the draft with respect to that, but I didn't really concentrate on it. I was more focused on the later sections which dealt with the activities of White House personnel and my staff in connection with the Travel Office people.

Question. None of this information remained in the final draft of the White House Management Review. Do you have any recollection of any removal of any of this information?

Answer. No, I don't. I didn't participate—I don't believe I—no, I don't have any recollection of decisions with respect to those sections, what to put in and what not to put in.

Question. One of the Deposition Exhibit No. 8—the first one that's the January 29th memo, do you recall specifically seeing that document? And if you would just take a little time to look at that.

Answer. No.

Question. Or receiving it at any time?

Answer. No. No, I do not.

Question. And do you recall any specific actions which were undertaken by you or your staff to try to locate that document while you were at the White House?

Answer. No.

Question. Do you know or do you have any knowledge of Mr. McLarty talking to Harry Thomason before the White House Management Review was completed and published?

Answer. It wouldn't surprise me, but the answer is no.

Question. Did you have any conversations with Harry Thomason before the White House Management Review was completed and the conversations would have been concerning information in the White House Management Review?

Answer. No, not that I remember. I think I would have remembered. No.

Ms. OLSON. I think this is probably actually a good lunch break, if that's okay. I am going to go on to another topic.

The WITNESS. Okay.

[Whereupon, at 12:55 p.m., the deposition was recessed for lunch.]

Ms. OLSON. Back on the record after lunch at 1:50.

I have got a document that I am going to go ahead and mark as Deposition Exhibit No. 9. Its Bates stamp number CGE 42794 and it's a memorandum to Leon Panetta from Mr. Nussbaum, dated August 9th, 1993.

[Nussbaum Deposition Exhibit No. 9 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. Do you recognize that document, Mr. Nussbaum?

Answer. Yes.

Question. Can you just please tell me the circumstances under which you drafted that document?

Mr. MAZUR. That assumes he did draft it.

The WITNESS. As I said earlier—this is related to my earlier testimony. First let me say this document, I believe, is a draft. It is not the final memorandum. And I don't know if I drafted it or somebody else did, but I may have—if somebody else did, I probably revised it in some fashion.

And I don't even know if I ever—if this ever became final. I'm not even positive of that. I have some vague recollection that Roy Neel, who was a Deputy Chief of Staff—I have a question as to who should send out this memorandum. Probably Panetta or probably I would send it, but maybe not. Maybe Neel could send it.

And this was on the issue, again, of, you know, when we—we wanted to make sure that people were aware, people who were in the chain of command, that in view of the investigations that were going on as a result of the Travel Office matter, that no action should be taken with respect to this issue of an audit of Federal aircraft by TRM. And that's how this memorandum or this draft came to be drafted during this period of time. I think this went through various drafts.

EXAMINATION BY MS. OLSON:

Question. I have an earlier draft, which I could show you. It's for John Podesta from you, which I am not going to put in the record, but just since you mentioned it earlier, and I do have another draft that has some handwriting on it that looks like a bit of an edit but not substantially.

Answer. This is my handwriting.

Question. This is CGE—

Mr. MAZUR. 42793.

The WITNESS. This is my handwriting. It doesn't mean I didn't draft it earlier. I could have drafted it and got a copy back and changed it, or it could mean somebody else drafted it.

EXAMINATION BY MS. OLSON:

Question. Were there any discussions, that you are aware of, of whether or not to turn over these drafts of the memoranda to any of the investigations concerning the White House Travel Office matter, that you recall?

Answer. I don't remember any discussion with regard to turning over these drafts to any investigator.

Question. Okay. During this White House Management Review, there were interviews going on, and I believe Mr. Foster, as well as Mr. Watkins, were interviewed. Did you have any conversations with either Mr. Foster or Mr. Watkins concerning their White House Management Review interview?

Answer. I don't remember any conversations with Mr. Watkins. I am certain I had conversations with Mr. Foster, because we spoke—we were in contact 12 hours a day, 7 days a week, practically. So I—so I am certain I had conversations with Mr. Foster regarding the fact that he was interviewed and, you know, and the subject of the interview. I mean, we were very close.

Question. Were you aware that in Mr. Foster's White House Management Review interview, he did not disclose or discuss conversations about the Travel Office and the First Lady's activities?

Answer. I don't know whether he did or didn't.

Question. Okay. And the same thing, did anyone discuss with you or were you aware of whether or not Mr. Watkins—

Answer. At one point, I believe, were there notes—there must have been notes of Mr. Foster's interview. I mean, it would reflect what he said or what he didn't say.

Question. My question to you was whether you discussed that with Mr. Foster, that he did not mention the First Lady at all in his White House Management Review interview?

Answer. He didn't?

Question. No. That statement I am making is from having reviewed notes. And my question to you, though, is whether Mr. Foster discussed with you his discussion or lack of discussion with the First Lady—

Answer. No, he didn't.

Question [continuing]. During his White House Management Review interview.

Mr. MAZUR. Let her finish the question.

The WITNESS. No, he did not.

EXAMINATION BY MS. OLSON:

Question. Did you have any discussions with anyone concerning whether or not David Watkins mentioned the participation of the First Lady in the White House Travel Office matter?

Answer. No.

Question. These interviews with both Mr. Foster and Mr. Watkins were in very early June of 1993. Did you have any conversations or were you made aware that in late June, Mr. Foster did disclose his conversations with the First Lady concerning the White House Travel Office?

Answer. Well—well, I was about to say this—about to jump in but your question sort of—you know, the White House Management Review itself discusses conversations between Mr. Foster and the First Lady in—I guess what you are saying is it was—and it discusses conversations between Watkins and the First Lady. So obviously at some point, I don't know when, Foster told Podesta and Stern, you know, about conversations with the First Lady.

Question. But my question is whether you had any discussions about the fact that in the first interview Mr. Foster did not divulge any information about the First Lady and later on he did? And I believe that was late June when he did disclose his conversations with the First Lady.

Answer. No, I had no discussions about that.

Question. Similarly, Mr. Watkins also late in June disclosed his conversations with the First Lady to the White House Management Review team. Did you have any discussions or any information concerning Mr. Watkins' later disclosure of those conversations?

Answer. No.

Question. There came a time, after late June, that Mr. Watkins hired an attorney. Did you have any participation or are you aware in any way of Mr. Watkins hiring an attorney following his disclosures?

Answer. Well, I don't—

Mr. MAZUR. Is this whether or not it has anything to do with disclosures?

Ms. OLSON. I just want to know if Mr. Nussbaum had any conversations with Mr. Watkins or others about Mr. Watkins hiring an attorney?

The WITNESS. Well, I am not sure it had anything to do with disclosures at all, of his discussions with the First Lady.

EXAMINATION BY MS. OLSON:

Question. Well, then just hiring an attorney, generally.

Answer. Hiring an attorney, yes, just focusing on hiring an attorney, I clearly knew—the answer is, yes, I had discussions. If a Senior Assistant to the President is going to hire an outside attorney with respect to anything, it would come to my attention and I would have discussions about that. And I was aware that Mr. Watkins at some point—I don't remember precisely when and I don't want to relate it to this interview, but at some point felt the need to hire an outside attorney, and that came to my attention. Was that Ty Cobb? Was that the outside attorney?

Question. Yes.

Answer. Yes, famous name, so it sticks in your mind, Ty Cobb. He decided that he wanted an attorney to represent him because now you had all of these FBI investigations which are focusing not merely on just the Travel Office people and what they did or didn't do, but also on White House people such as Mr. Watkins. He thought it would be best to have an outside attorney and, at some point, I agreed with that.

Question. Other than just the general investigations which you have discussed, was there any specific reason you agreed that Mr. Watkins should hire an attorney?

Answer. Well, it was clear that Mr. Watkins and others were under investigation as to whether or not they did anything improper in connection with the Travel Office matter.

Question. Back in 1993?

Answer. Well, that's a good—that's—when was this, June, July?

Question. This is June of 1993.

Answer. When did he hire Mr. Cobb? Do you know? I mean, about when?

Question. I do not have it down.

Answer. I'm not saying he was the subject or a target of an investigation by the Justice Department, but it's clear that the Justice Department was looking into his conduct in connection with the firings. I am not saying or suggesting he did anything wrong, but one—when you start being the subject of intensive interviews by the Justice Department, it has been my experience it is a good idea to have an attorney.

At this point, it was evident that the White House Counsel's Office couldn't act as Mr. Watkins, you know, attorney. He should have a personal attorney just looking out for Mr. Watkins. Obviously, we couldn't do that on our own and I had no problem with Mr. Watkins getting his own attorney to go to FBI interviews with him.

I think it's a good idea before a person goes to an FBI interview or before any law enforcement or congressional official or any type of official, to have somebody with him who is—who is representing him, who has helped brief him, who has helped prepare him and who is looking out for his interest.

Question. Was that advice you gave to others besides Mr. Watkins who were interviewed by Public Integrity and the FBI?

Mr. MAZUR. He didn't tell you he gave that advice to Watkins. He may have, but you didn't ask him.

The WITNESS. At some point, I came to that conclusion that it was appropriate for Mr. Watkins to have his own attorney. Certainly, if he wanted his own attorney, it was appropriate for him to have his own attorney. And later on, of course, other people got their own attorneys, too.

EXAMINATION BY MS. OLSON:

Question. Well, I want to focus on Mr. Watkins for a second, if I may.

Answer. Uh-huh.

Question. Is it correct that the reasons were that he was being interviewed by Public Integrity and FBI, or were there any other purposes?

Answer. I know of no other purposes. I don't remember any other purposes at this time.

Question. Did you have any knowledge of conflicting statements at that time or possible problems with statements that Mr. Watkins had already given through the White House Management Review interviews?

Answer. No, I had no such knowledge at that time.

Question. I know Ty Cobb was working for Mr. Watkins by August.

Answer. Well, that—yes. That's right. I'm not—I don't believe by June—that June sounded kind of early, but maybe. I don't know.

Question. No, he did not have an attorney in June when he gave his White House Management Review interview where he at the first of the month of June did not disclose conversations with the First Lady, but at the end of the month did.

Answer. Oh, yes. And August was after Foster's death and after the discovery of the note in Foster's office, and the note obviously focused in part on the Travel Office, including the FBI, you know, lying to the AG and, you know, and—and, you know, the press will never believe the innocence of President Clinton's staff and things like that.

There—and then intensive investigations began with respect to what was in the note and the Travel Office situation being part of that. Yeah, at that point, you know, obviously people then started thinking they should get attorneys to represent them in the course of interviews.

Question. Did you give advice to anyone else, besides Mr. Watkins, that they should hire attorneys?

Answer. At some point—I don't know at that point but—

Question. At this point?

Answer. At this point.

Mr. MAZUR. I don't think you established that he gave advice to Watkins.

Ms. OLSON. Mr. Nussbaum has now said twice that he gave—I will have the record be read back if necessary.

EXAMINATION BY MS. OLSON:

Question. Mr. Nussbaum, did you advise Mr. Watkins or agree that he should get an attorney during the June, July period?

Answer. Did I agree? Yes, I agreed.

Question. Did you advise him?

Answer. During the June, July period? No, if Cobb was hired during the July—the July, August—when Cobb was hired, I agreed that Cobb should be hired, whatever it was.

Question. Why don't you describe it more than just agree. Did Mr. Watkins come to you for advice or did you just agree on your own?

Answer. I don't remember. I don't remember. Mr.—I don't know if Mr. Watkins came to me for advice. Mr. Watkins may have told me that he was hiring Mr. Cobb and I agreed.

Question. Okay. Was there any relationship to the disclosure of conversations with the First Lady and Mr. Watkins hiring an attorney—

Answer. No.

Question [continuing]. In your mind?

Answer. No, there was no relationship to that. The relationship was to the intensifying of these investigations which intensified significantly following Foster's death.

Question. Is it true that they intensified on everyone following Mr. Foster's death, for those who were involved in the White House Travel Office matter?

Answer. They intensified—the investigations intensified. That has an impact on everyone, but it has an impact on some people more than others because some people were more significant in these matters than others.

Question. Did you have any reason to believe that Mr. Watkins was impacted more significantly than others?

Answer. Yes, because he was the one that did the firing and he was the one who made the decision, so he was the one who was being focused on more than others.

Question. Did you—

Answer. He was an assistant to the President. He was a senior person in the White House.

Question. Do you recall advising Mr. Foster that he should get an attorney, or agreeing with Mr. Foster in any way about getting an attorney?

Answer. Yes. Shortly before his death, Mr. Foster was—Mr. Foster and I discussed whether or not—Mr. Foster foresaw the possibility of congressional hearings with respect to the Travel Office matter following the management review report and the censures which he and I bitterly disagreed with. And he foresaw that possibility.

He foresaw wide-ranging inquiries into that. Mr. Foster foresaw the future with respect to that much better than I did at the time. And he believed that the White House Counsel's Office or the White House, even beyond the Counsel's Office, should maybe bring in a law firm to assist it in responding to these inquiries, particularly congressional inquiries, which he believed were sure to come because he believed if the White House Counsel's Office tried to do it by itself, it would just eat up all of our resources.

We had have the whole office—it's not a big office. It's an office of 10 lawyers. We would spend all of our time just working on responding to inquiries on the Travel Office, and this was an important subject of discussion between Mr. Foster and me in the weeks before his death.

You know, so he said we really should get a firm from outside, an able firm with litigating partners and people who knew how to respond to investigations and they could handle that and we could handle all the other business we were busy with at the White House. I disagreed. I said it wasn't necessary.

This was our role. We should—we are the ones who should represent the White House and people in the White House generally, except for those who felt the need to get their own attorney on something, and that we could do it within—and if we needed, I would hire other people, bring them into the White House Counsel's Office.

Mr. Eggleston actually came as a result—eventually as a result of this. He came on in September. And that's the way we should do it. And Foster didn't agree with me and we went back and forth on this.

And we—I deferred—I said, okay, let's defer—we are very busy at this point on various nominations, the Supreme Court nomination, the FBI situation, the FBI nomination, and the point I made to him is we should defer a final resolution of these issues.

We treated each other—I treated him sort of like as my co-senior partner of a little law firm. It wasn't a sense of make a decision and you just follow orders. I was going to try to bring him along and convince him. I wish in retrospect I had spent more time doing that.

So I said, well, defer it. But at one point in this discussion he said, do you mind if I go out and talk to somebody, if I get a lawyer on this thing? I said, well, it's up to you, but if you feel comfortable doing that, I want you to feel comfortable. I

have no problem with you going out and talking to somebody else. He said, I will call Jim Hamilton to sort of represent me at least initially with respect to this and maybe we will extend it to Hamilton representing everybody or representing the White House in this thing.

I said, well, he is not going to represent everybody, but if you feel more comfortable, Vince, in having a lawyer represent you, you can talk to somebody about representing you; feel free.

You know, I agree, you can call Hamilton and then—I always believed after that I would get back to the issue with him at some later time, but then it was too late.

Question. Did Mr. Foster discuss with you his advising—whether he advised the President and First Lady to get outside counsel?

Answer. No, he never—I don't believe—no. I mean, at that point? Obviously, there came a point in time when we did hire outside counsel for the President and the First Lady, but that was—

Question. This was obviously before July 21st.

Answer. No, we didn't discuss hiring outside counsel for the President and First Lady prior to July 21st.

Question. Mr. Foster didn't bring it up to you that he believed that that should happen?

Answer. I think I would remember that. I don't remember that. Now, they had outside counsel for certain—I am starting to think. They had outside counsel for certain purposes. Bob Bennett was their outside counsel. Mr. Foster was dealing with outside counsel, something that the President—that the President—

Question. Not having to do with the Travel Office?

Answer. I was assuming you were talking about the Travel Office, and Mr. Foster never suggested to me, at least I don't remember him suggesting to me, that the President and the First Lady obtain outside counsel for the Travel Office matter.

Question. We have notes from Mr. Sloan of a meeting that he had on August 18th with Mr. Watkins' attorney, Ty Cobb.

Answer. Yes.

Question. Were you aware of that meeting that Mr. Sloan had?

Answer. Undoubtedly, either before the meeting or after the meeting.

Question. Do you know if you sat in on the meeting with Mr. Cobb?

Answer. I don't know.

Mr. MAZUR. Can we see the notes of that meeting?

Ms. OLSON. They are not relevant. I am not going to bring them out.

There are notes and Mr. Sloan has been spoken to by this committee, so we are aware of a meeting. I am just asking Mr. Nussbaum if he has any information and if Mr. Sloan told him about that.

Mr. MAZUR. You asked if he was there.

Ms. OLSON. If he was there, I would like to know.

The WITNESS. Do the notes reflect I was there or not?

EXAMINATION BY MS. OLSON:

Question. Do you recall being at a meeting with Ty Cobb?

Answer. I recall meeting Ty Cobb at some point. I don't know if it was that meeting. I have a vague recollection of meeting Ty Cobb at some point. I'm not even positive of that.

But, you know, I—I have a vague recollection of meeting him at some point, and if you want to know if it was at that meeting, if the notes reflect I was at that meeting, it was that meeting. If the notes do not reflect it was at that meeting, I have no recollection if it was that meeting.

Question. The notes don't reflect who was at the meeting. I am not playing games with you.

Answer. Okay.

Question. So you were or you weren't, by the notes?

Answer. I don't know. I tell you who would remember; Sloan. He has a photographic memory. He would remember if I was at the meeting, but I don't remember.

Question. We could use someone with a photographic memory.

Answer. I agree.

Question. Do you recall any conversations Mr. Sloan had about the meeting or any information he divulged to you about the meeting with Ty Cobb?

Answer. I am sure there was a conversation with Mr. Sloan about that meeting. I am sure he told me what happened at that meeting, because that was our style of working together. That was Mr. Sloan's style of bringing things back to me, which is what I wanted, but I don't remember what the conversation was.

Question. Do you remember any action you took as a result of it?

Answer. No, I do not.

Question. Okay. Did Mr. McLarty ever discuss any meetings that he had with David Watkins in late September of 1993—

Answer. I don't recall.

Question [continuing]. Concerning the Travel Office?

Answer. I don't recall.

Question. Mr. Watkins had a December 9th GAO interview, and in that interview—it's the point where he told the GAO that the First Lady said she wanted to, quote: "Get these people out and our people in." Are you aware of any discussions concerning that December 9th GAO interview?

Answer. No, I don't remember any discussions concerning that interview.

Question. Mr. Eggleston, I believe the notes say, was present. Do you recall—did Mr. Eggleston have a habit of coming back and discussing these interviews with you?

Answer. Yes.

Question. Okay. And what was the purpose of those discussions of those interviews with you?

Answer. To keep me informed. I was the White House Counsel. He was—we were functioning, you know, on these investigations. We were responding to inquiries, so we were, you know, trying to be in possession of, you know, the necessary information, you know, and to—and I was ultimately in charge, and that's the reason he came back to me.

Question. And it was—you believed it was necessary that Mr. Eggleston tell you what went on in the interviews with the GAO and others during the course of the investigation of the Travel Office?

Answer. To keep me generally informed. He didn't have to come back and read a detailed recitation of what happened in the interview but just to keep me generally informed. He worked for me. He was on my staff.

He was acting on my behalf by being at these interviews. We felt it was better for the White House Counsel's Office to know what was going on so we could adequately respond to questions that were being asked.

Question. Did you take any action as a result of Mr. Watkins stating that the First Lady said she wanted to get those people out and our people in at that December 9th, GAO interview?

Answer. I don't remember being—I don't remember precisely what Neil Eggleston told me at that point, and I don't remember taking any action.

Question. Any specific action?

Answer. Any specific action as a result of that. I believe people were just responding to inquiries as truthfully and as fully as they could, and that's what was happening.

Question. On December 10th, your calendar notes a meeting with Bruce Lindsey, and it says: Bruce Lindsey, et al. And I have your calendar if you need to look at it.

Answer. No, no, that's okay.

Question. And I just wondered, do you recall what the December 10th meeting was about with Bruce Lindsey?

Answer. No. I met with Bruce Lindsey continually in the White House. Sometimes it was on my calendar; sometimes it was not. You know, at 10:00? What time was the meeting? What day was the meeting?

Mr. MAZUR. Are these the calendars you got from the White House?

EXAMINATION BY MS. OLSON:

Question. It's at 5:00. It's a Friday, December 1993, December 10th, 5:00, Lindsey, et al.

Answer. No, I don't remember. I don't remember. The reason I asked for that is because Lindsey and I from time to time regularly scheduled meetings with other people, et al., such as Lindsey and I were, in effect, cochairing the judicial selection—the judicial selection process at the White House, and we would, ourselves, with also other people, were involved in that process, so that's why I asked for the time. But we didn't meet Friday at 5:00. We would normally meet at a Wednesday or Tuesday at 10:00 in the morning. It was a regular time.

Question. Do you recall any meetings during the December period, concerning GAO interviews, about the substance you had learned from GAO interviews on the Travel Office investigation which would have involved the President and/or the First Lady?

Answer. No.

Mr. MAZUR. Meetings with Lindsey?

Ms. OLSON. No. I asked any meetings in December that would have involved the President and the First Lady's attendance concerning the GAO interviews.

The WITNESS. No, I don't remember learning anything at that time about that subject. Eggleston was—

Mr. PEDOWITZ. I am not sure that that question was clear. It sounded to me like they were in attendance. The President and First Lady were present?

Ms. OLSON. Why don't I rephrase the question since I repeated it halfway the second time. It's probably better if I re-pose it.

EXAMINATION BY MS. OLSON:

Question. Did you ever attend or are you aware of any meetings in December with the President and First Lady where either you discussed the GAO investigations or interviews or you directed others to discuss the GAO investigations or interviews?

Answer. Did I ever attend a meeting with the President or First Lady in which I discussed with them the GAO interviews?

No. It's not something I would discuss with the President and the First Lady, GAO interviews. I might have had a discussion with the President and the First Lady at some point, you know, there's a Travel Office investigations, but I would not go into interviews.

Question. I am asking you about GAO interviews, because Mr. Watkins did at some point, as well as Mr. Foster, disclose conversations with the First Lady. And my question is sort of a follow-up. Did you have any discussions with the President or the First Lady about—

Answer. No.

Question [continuing]. Those disclosures?

Answer. No. That's more precise, and the answer to that is no. Discussions with the First Lady at least were disclosed as early as the management review report on July 2nd, 1993. There was no secret about discussions—that the First Lady was involved in some discussions about the Travel Office.

Question. That's true. Her concerns were disclosed. However, the statement by Mr. Watkins that she wanted to get the people out was not disclosed until GAO. So does that refresh your recollection?

Answer. No.

Question. Did you have any conversations with her or the President that Mr. Watkins was telling GAO about statements she had made concerning getting those people out and getting our people in?

Answer. No, I have no such recollection of having conversations with them on that.

Question. Did Mr. Foster tell you that he had any such discussions with the President or the First Lady concerning conversations divulged to GAO about her statements of get those people out and get our people in, or similar type statements?

Answer. Mr. Foster was dead probably—well, no. Maybe GAO had already started. I don't remember when they started.

Question. I am asking at any time, did Mr. Foster tell you that he had had discussions with the First Lady about her involvement in the Travel Office matter?

Answer. That he had discussions with the First Lady about her involvement in the Travel Office matter?

No, he never told me that he had discussions with the First Lady. I understood Mr. Foster was meeting with the First Lady all the time. The First Lady's office was right down the hall.

It didn't surprise me when I read the management review that, you know, that he had had discussions with the First Lady with respect to this thing, but I don't remember any conversations with Mr. Foster with respect to those discussions.

Question. Also on your calendar you have a December 15th meeting with David Watkins. And just to put it in perspective, we know that his GAO interview was December 9th. Do you recall if you discussed anything about his GAO interview in your December 15th scheduled meeting with Mr. Watkins?

Answer. I don't—I have no recollection of discussing his GAO interviews, and I think if I had, I would probably remember that. I don't remember discussing that with him.

Question. Did you discuss the topic of his conversations with the First Lady concerning the White House Travel Office?

Answer. No, I don't believe I ever discussed that with Mr. Watkins.

Question. Okay. Do you know if you ever discussed Mr. Watkins' statements to GAO about the First Lady with anyone else, specifically Mr. Watkins's statement that, you know, the First Lady had said she wanted to get her people out and get our people in?

Answer. You know, to this day, I'm not even sure the first—you are telling me something that I am not sure of, that Mr. Watkins made that statement. If he did, he did. I mean, I don't know for a fact that he did.

I have a feeling—I know I'm now affected by all the things I have read and all the hearings and all the newspaper stories, to some extent, but I was never, you know, under the impression that Mr. Watkins ever really said that.

But in any case, that's not your question. Your question is did I have a discussion with him about anyone saying that? The answer is, no.

Question. Do you know what your meeting with Mr. Watkins was about on December 15th?

Answer. No, I don't. I mean, there's a lot of issues that arose in the White House involving the administration. I don't know. Maybe some memo, maybe his office has it. I don't know. I can tell you, most of the meetings I had with Mr. Watkins were on one subject.

Question. And what was that?

Answer. We want more people to help us perform the services we had to perform, including vetting and things like that. That's what I used to fight with Mr. Watkins about. We didn't talk about the Travel Office. We talked about the need to get more people on the White House staff.

Question. Are you familiar with what has become known as the Watkins' memo, which he wrote outlining his views of what happened in the White House Travel Office firing?

Answer. Yes.

Question. Did you have any knowledge of that memo before it became public?

Answer. No.

Question. After its release, did you have any conversations with the White House concerning your knowledge of that memo?

Answer. No.

Question. Did Mr. McLarty ever have any conversations with you about the First Lady putting pressure on him prior to the firings?

Answer. Never.

Question. Were you aware of any pressure that the First Lady put on Mack McLarty prior the firings on May 19th, 1993?

Answer. I am not.

Question. The chronology, one of them that we have looked at, Mr. McLarty's handwriting has been identified and has the date May 16th with a dash, and it says "HRC pressure."

Answer. Uh-huh.

Question. Do you recall having a meeting with the President on that date, on May 16th? It would be 3 days before the firings.

Answer. I met with the President fairly frequently during that period. That was the period we were selecting a Supreme Court Justice and his first appointment, which was an important appointment, and dealing with other issues. So I may have met with him on that date. I don't know.

His schedule—he kept a more precise schedule than I kept, but—so the answer to your question is I may have met with him on that date. What did you ask me; what did I discuss with him?

Question. Since you don't have a specific recollection of that date, let me put it in the period shortly before the actual firings.

Answer. All right.

Question. Do you recall any discussions with the President concerning the Travel Office prior to May 19th? And this would have been in the period leading up to the firings.

Answer. No.

Question. There were—

Answer. I am certain that the President and I had no discussions about the Travel Office prior to the firings.

Question. After the White House Management Review was released, there were reports that said that the First Lady was unhappy with Mr. Podesta's report. Do you have any information that the First Lady expressed any unhappiness to anyone about the White House Management Review?

Answer. That the First Lady expressed unhappiness to anyone?

Question. Yes.

Answer. No. I have—I expressed unhappiness. That's what I am thinking, I was the one who went around—not went around, but I expressed unhappiness with the management review from the time I saw the late draft until—until after it came out, at which time I continued to express my unhappiness.

I am trying to think, did I ever speak to the First Lady? Because I saw the First Lady also, you know, a fair amount and expressed my unhappiness, and it's possible I did. That's the thing. I mean, you know, I'm trying to remember. It's possible that I did tell her, like I told everybody else that I would see, that this was—this was wrong.

This management—the manage—what the management review was doing and it was foolish. My position was it was wrong, not—it was factually accurate. Podesta and Stern tried to do their best. It was factually accurate, as far as I knew. Podesta and Stern were trying to do their best to get the facts and to put them in an accurate and coherent fashion. I had no problem with their efforts to do that.

I had significant problems with the conclusions reached, this bending over backwards to criticize people and to censure people and to reprimand people such as Bill Kennedy particularly, who did nothing wrong and who acted in good faith and who acted totally properly. And I include even other people, such as Watkins, and Cornelius and Jeff Eller, the other people reprimanded, bending over backwards while factually accurate reaching conclusions which I thought were unwarranted.

So I thought it was wrong to do that to people in the White House who did nothing wrong. I thought it was foolish to do it, because I thought, you know, all you are going—all this just bending over backwards was trying to achieve was to placate political enemies such as the—such as the Minority on the House Administration Committee who could never be placated and to try to mollify the press, which has a bad news bias and which will never be mollified. So that's the kind of opinions that I expressed vigorously with respect to the management review.

I had nothing against Podesta or Stern. They are good guys and able people. I am certainly not against Panetta or McLarty, who are above them. But I thought it was a tragic, wrong thing for the White House to do with respect to the—to these people. I expressed those views and I expressed them to everybody I ran across.

I may well have expressed them to the First Lady. I don't recall expressing them to the President, on the other hand, but I probably—but I may well have expressed them to the First Lady.

Question. Do you recall if you expressed them while you were looking at drafts of the White House Management Review?

Answer. Yes, I expressed them while I was looking at drafts. I expressed them to people. I am not saying I expressed them to the First Lady. I expressed them to people while I was looking at drafts of the White House Management Review.

Question. And do you know if the result of the expression of your views resulted in any editing of the White House Management Review that otherwise had not been done prior to the expression of—

Answer. No.

Question [continuing]. Your views?

Answer. No. The only thing I remember resulting in any changes as a result of anything I said was something just to get a chronological thing straight with respect—maybe they put in at one point, that when we went into Stephanopoulos' office for that now famous May 21 meeting, it was made clear at some point in the review, I think, that the management review, that we didn't know that somebody from the FBI was going to come in to Stephanopoulos' office; Collingwood. I made certain clarifying points along those lines.

Some of them were adopted. Some were not adopted. But in terms of the conclusions that were reached, nothing that I said changed the viewpoint of those who issued the management review.

Question. Do you recall if you made any clarifying points concerning the role of the First Lady in the White House Travel Office firings?

Answer. No, I did not make any clarifying points.

Question. Similarly, do you recall if you made any clarifying points concerning any matters involving Harry Thomason's role—

Answer. No.

Question [continuing]. In the White House Travel Office firings?

Answer. No, I am certain I didn't make any points involving Harry Thomason's role. I thought they were doing a—you know, that Podesta and Stern were very able people and they were doing as good a job as they could to get out all the facts. But I did express deep concern about the way this thing was heading and the conclusions that were being drawn.

Question. Did you have any knowledge that you and/or Mr. Foster were being considered for some kind of reprimand?

Answer. Oh, yes—no, no. I had no knowledge that I was being considered for any kind of reprimand, and indeed I had—I take that back. I had no knowledge that Mr. Foster was considered for any type of reprimand.

What I had knowledge of is Mr. Kennedy was being considered for a reprimand, and that so infuriated me, because I felt it was just terribly wrong to do that, that I stormed into McLarty's office at some point, I guess it was either the day before the review was coming out or the day the review was coming out, that I stormed into Mr. McLarty's office and I said to McLarty, I understand that—we were—let me just go back a second.

We were kept out of the management review process because of a purported conflict of interest, that our office was being looked at, particularly Mr. Kennedy, and I had no problem with that. I mean, if that's the way they wanted to do it, that's the way they wanted to do it. On the other hand, we did see the late draft, so we had an opportunity to make whatever comment we wanted.

At first, that wasn't going to be made available. I disagreed with that, and I expressed my disagreement with that, and finally I received the late drafts, and then, as I told you, I made comments about the conclusions, as well as made some minor changes with respect to the chronology of events. But then when I learned, near the end, that Kennedy, among others, was going to be reprimanded, and I learned that, I think, from Foster—I mean, Foster walked into my office and says he understands now as a result of the management review, Kennedy was to be reprimanded. I blew up.

I walked down from my office and I walked to McLarty's office, which was one floor below mine, and I asked to see him promptly or immediately or I just walked in if nobody was in with him, and I told—I asked him whether or not he was considering reprimanding Bill Kennedy for what I considered totally proper conduct; and McLarty said, yes, they were considering that.

And I told McLarty, basically, two things: One, I said that was a terribly wrong thing to do, that Kennedy did nothing wrong, that I—you know, that I—I now am aware of most of the facts, became aware after the fact rather than at the time of the facts, that he did nothing wrong.

He acted in good faith. He acted totally properly in every respect, from contacting the FBI to everything else he did with respect to this thing, so it was wrong to reprimand him. But if you are going to reprimand him, but if you believe—and you are the Chief of Staff, and you and Panetta were appointed by the President to do this—if you are going to reprimand him, then you have an obligation to reprimand his superiors because they are responsible for his conduct as the responsible people. So you have an obligation then, a duty, to reprimand me.

I want to be reprimanded if Kennedy is reprimanded, and Foster, reprimand Foster, too. That's the way you should do it. If you feel that Kennedy did something wrong, then I did something wrong and Foster did something wrong and we should be reprimanded.

Question. Do you know if Mr. McLarty ever seriously considering reprimanding you and—

Answer. Yes.

Question [continuing]. Mr. Foster?

Answer. Well, I don't know. He said to me—he listened to me. I was speaking in any normal laid-back fashion, and he said to me, you have a point and I will consider that. And I believe he did. I mean, I believe he did, maybe—you know, you talked to him yourself. He said, I will consider that and, you know, that may be the way we do it.

And I had the impression, as I walked out of the office, that I was going to be reprimanded and Foster was going to be reprimanded along with Kennedy, if there was to be a reprimand. I assumed there would be a reprimand, and I assumed I would be reprimanded.

So I remember walking back up to Foster's office, up to our office, and saying to Foster, good news. And Foster said, what's the good news? And I said, Kennedy is not being reprimanded by himself. He says, oh. I said, yep. I accomplished my mission. You and I are going to be reprimanded as well.

He didn't look about it as happy as I did, at that point. I really thought—I really—I was sort of happy about it. I know it sounds peculiar, but it was true. If this crazy thing was going to be done to reprimand Kennedy, then Foster and I should be reprimanded, too.

You know, we should stand together on this thing. And I thought that was a good result to achieve. I mean, I did not want any reprimands, obviously. But as I said, Foster didn't—he didn't seem that happy.

And then—although he didn't seem that sad, either, because he thought it was the right thing to do. He didn't protest. He didn't say it was wrong.

And then—this sticks in my mind, as you can see, very vividly. And then 2 hours later, he walked back into my office, well, Foster walked back into the office, after

having come, I gather, from McLarty's office, and he said, well—he looked at me and he sort of had a smile on his face, a pained smile. He said, you failed.

I said, what do you mean I failed?

He says, you are not being reprimanded. And I am not being reprimanded, but Kennedy is still being reprimanded. And I was—I was enormously upset at that point. And he said, they just—he said, they just consider you and me too important, too visible, to be reprimanded.

Question. Along these same lines that you have mentioned about superiors being responsible for actions done by the people who work for them, do you believe Mr. Kennedy would have been responsible for any actions taken by Craig Livingstone concerning the FBI personnel files?

Answer. Yeah, I believe the—you know, I believe ultimately that the people who run an office are responsible for the conduct, you know, of that office. I believe in that respect, you know—

Question. It's your statement Mr. Livingstone—

Answer [continuing]. They are responsible.

Question. Mr. Livingstone did report to Mr. Kennedy?

Answer. Mr. Livingstone reported to Mr. Kennedy. Mr. Kennedy reported to Mr. Foster, and later on to the other deputy counsel who was then Joel Klein, near December of 1993, and they reported to me, and I reported to the President.

And, you know—and I think, you know, we are all responsible for any bureaucratic screw-up that occurs. Ultimately, we are the responsible people with respect to this. And so, you know, unfortunate mistakes happen, but the senior people should take responsibility with respect to those mistakes.

But some mistakes happen in good faith and there's no harm done, and that's fortunate. Just like I believe congressional committees should take responsibility for their staff. So if the Chairman of a committee issues a statement suggesting that the Counsel to the President may have committed a felony by having a form with his name sent for FBI reports because he lied about it on that thing, I think that's outrageous conduct by a Congressman. I think he should take responsibility and his staff should take responsibility for feeding him that kind of memorandum, for not making a call in response with respect to that.

Question. Mr. Nussbaum, I don't know if you are making allegations here, but that's not the purpose of this deposition.

Answer. We are talking about responsibility.

Question. That's fine.

Answer. So I am answering your question with respect to responsibility.

Question. I have tried to let you talk and answer whatever you want to.

Answer. I appreciate that.

Question. I have got one hour left for today, and I would really like to ask some questions. I don't mean to cut you off, but we are now getting to where there are accusations being made about some Chairman who made some accusation for something that sounds very much like you—and I don't think that's going to get us anywhere today.

Answer. It's true, isn't it? That did happen, didn't it?

Question. I want to move on to Patsy Thomasson.

Did you know Patsy Thomasson in the White House?

Answer. Yes.

Question. Do you have any knowledge of any advice by Patsy Thomasson that Catherine Cornelius and Clarissa Cerda were to say to everyone that David Watkins did not, in fact, read a memo that was given to him by Catherine Cornelius?

Answer. That they were asked to lie about something?

Question. Yes.

Answer. No.

Question. By Patsy Thomasson?

Answer. No.

Question. Were you aware that Patsy Thomasson had a conversation with Catherine, and Clarissa Cerda, where she mentioned that David did not read the February 15th memo written by Catherine Cornelius?

Answer. No.

Question. Do you have any knowledge or were you ever made aware of Patsy Thomasson trying to get Catherine Cornelius to resign from the White House Travel Office after the firings?

Answer. You know, that Patsy Thomasson tried to get Clarissa Cerda—

Question. Catherine Cornelius to resign?

Answer. That she tried to get Catherine Cornelius to resign? I have heard that, but I don't know—I don't remember hearing it at the time. I have no memory of hearing it at that time, but I know a lot of these things have been—it is very hard

for me to separate out what I read in the press and all the press with respect to this and what I knew at the time. I don't remember I knew at the time that Patsy Thomasson was trying to get—was trying to get Catherine Cornelius to leave the White House.

Question. That Patsy Thomasson actually told Catherine Cornelius that she should resign to save everyone else and specifically to save David Watkins?

Answer. I think I would remember that because it's the kind of thing that appalls me, as I said earlier, but I don't remember that.

Question. Do you have any—were you ever told about Clarissa Cerda meeting with Cliff Sloan for advice concerning Patsy Thomasson's threats?

Answer. See, that I must know about because—first of all—

Mr. PEDOWITZ. If it's true.

EXAMINATION BY MS. OLSON:

Question. Do you have any knowledge? Did Cliff Sloan ever tell you?

Answer. If he had that conversation?

Mr. MAZUR. Can we get a whole question?

The WITNESS. Did he ever tell me what?

EXAMINATION BY MS. OLSON:

Question. Did Cliff Sloan ever mention any visit by Clarissa Cerda where she went for advice concerning Patsy Thomasson's threats that were made to Catherine Cornelius?

Answer. If it happened, Cliff Sloan would have told me about it, and he may well have told me about it. I just don't have any memory of it at this point.

I just know how I operated with Cliff. If that happened—and it may have happened. I'm not saying it didn't happen. It may well have happened. If that happened, Cliff would have undoubtedly come to me and told me about it. But right now, independently, I don't have any memory.

Question. Do you know if anyone asked Patsy Thomasson to ask Catherine Cornelius to resign?

Answer. Do I know of anyone who asked Patty Thomasson to ask Catherine Cornelius to resign? No.

Question. Were you aware that Patsy Thomasson—if Patsy Thomasson had suggested to Catherine Cornelius that she could get a position at the DNC if she left the White House?

Answer. No, I don't—I don't know that.

Question. Okay. Did—

Answer. At least I don't remember it now. As I said, the one possibility is that if that happened and Clarissa, or Catherine Cornelius, for that matter, but Clarissa told it to Cliff Sloan, then undoubtedly it would be told to me. But I don't remember that happening now.

Question. Okay. Do you have any knowledge of Catherine Cornelius and Clarissa Cerda's mess privileges being pulled by Patsy Thomasson as a result of this?

Answer. What privileges?

Question. White House mess privileges; they were no longer allowed to go into the White House mess?

Answer. Did Patsy do that? She pulled their mess privileges? She probably wanted to improve their nutrition.

Question. Other than that, were you ever told about that?

Answer. No.

Question. Or informed of that?

Answer. That's a new fact I have learned today; they pulled the mess privileges.

Question. Were you aware of—

Mr. MAZUR. They allegedly pulled the mess privileges.

The WITNESS. Allegedly. I am sorry. Go ahead.

EXAMINATION BY MS. OLSON:

Question. Were you told about any tensions between Catherine Cornelius and David Watkins where Catherine Cornelius felt as though David Watkins had created a hostile environment in his office?

Answer. No.

Question. For women specifically.

Answer. No. I—no. I was sensitive to those types of subjects. I think I would remember that. No, I didn't know about a hostile environment for women, no.

Question. And this was in the White House, not previous—

Answer. Yes.

Question [continuing]. To Mr. Watkins starting in the White House.

Answer. Well, Mr. Watkins had a problem previous to starting in the White House.

Question. That's why I limited it to the White House.

Answer. But in the White House, no, because we were very sensitive to those kind of issues in this White House, and I never heard that.

Question. Did Catherine Cornelius ever, or Jean Charlton or other secretaries of Mr. Watkins, ever express a hostile environment that Mr. Watkins created in the White House toward women?

Answer. No.

Mr. PEDOWITZ. That was a question about, to your knowledge.

EXAMINATION BY MS. OLSON:

Question. To your knowledge, do you have any information?

Answer. No.

Question. Were you aware that Catherine Cornelius took a leave of absence in July of 1993 due to health problems?

Answer. Yes.

Question. Do you know why she had to leave?

Answer. No. I mean, obviously this thing had become such a brouhaha. Her name was in the paper and she was subject to, you know, criticism and accusations. And I knew that she didn't feel very good about that. Most people don't.

And I, you know, I always assumed that was part of the reason why she took the leave of absence at that point.

Question. Were you ever told or was your ethics person ever informed that part of the reason was because of the harassment of Patsy Thomasson and David Watkins?

Answer. No.

Question. Did you have an opportunity or ask Beth Nolan to look into allegations that Patsy Thomasson had harassed Catherine Cornelius?

Mr. PEDOWITZ. Have an opportunity?

EXAMINATION BY MS. OLSON:

Question. Were you told or did you ask others to look into that?

Answer. I don't remember doing so.

Question. Were you informed or did there come a time when you learned that Catherine Cornelius had gone to the Chief of Staff's Office about Patsy Thomasson's actions toward her?

Answer. I don't recall ever hearing that.

Question. Did you speak to Catherine Cornelius any time following her reprimand concerning White House Travel Office matters or her problems in the White House?

Answer. No. I don't recall speaking to her following her reprimand or seeing her. I am not even sure I know what she looks like. I know what Clarissa Cerda looks like because she was part of my staff. I am sure I met her on some occasion, but I certainly don't remember meeting her after the reprimand.

Question. Did anyone ever discuss with you Ms. Cornelius's lawyer asking for a new job for Catherine Cornelius with an increased salary because Ms. Cornelius had chosen to remain silent and a complete team player?

Answer. No.

Question. Do you have any knowledge of what Ms. Cornelius might have been remaining silent about?

Answer. I don't know if she remained silent about anything.

Question. Mr. Braga, who is Ms. Cornelius's attorney, in a letter to Mr. Burton, states in his letter that Patsy Thomasson engaged in "repeated instances of unethical, possibly illegal, and certainly harassing conduct." My question is, were you aware of any such actions, or were they referred to your ethics person?

Answer. Not aware of any such actions, and I can't recall whether or not they were referred to any ethics person in the White House.

Question. Was there anyone else in the White House who would handle those kinds of problems other than your office?

Answer. The Chief of Staff's Office would handle it, but if there is a legal component it would immediately come to us. Burton was a McLarty aide, a senior McLarty aide, who would be a troubleshooter for him and try to handle these kinds of problems. I am not surprised if there were such a letter it would be sent to Burton.

Mr. PEDOWITZ. Was Burton an attorney?

The WITNESS. Yes.

EXAMINATION BY MS. OLSON:

Question. If in fact there were allegations of unethical behavior, would that be an area that goes to the White House Counsel's Office?

Answer. Normally, yes.

Question. But you have no recollection of being told of any actions by Patsy Thomasson toward Catherine Cornelius—were you ever advised of any actions by Patsy Thomasson towards Catherine Cornelius that would be deemed to be unethical or illegal?

Answer. I cannot remember now being advised of that. If it happened, it would have been by Sloan, I guess, maybe by Nolan. I am trying to think. And since Clarissa was in our office and talked to Cliff a fair amount, it is possible any such complaint would have been passed on to Cliff and perhaps to me. But right now I don't remember. I am not saying it could never have happened, but right now I don't remember that.

Question. Did you know Jeff Eller?

Answer. Yes.

Question. In his interview he stated that—

Answer. Interview with who?

Question. The White House Management Review, I believe.

He stated that he removed himself from this matter after the Travel Office firings, and when he did, he destroyed all of his documents.

Were you ever given that information that Mr. Eller had actually destroyed all of his documents concerning the White House Travel Office matter?

Answer. No.

Question. Were you ever told that Mr. Eller saved a computer disk of his documents and gave them to John Podesta?

Answer. He didn't destroy all his documents.

Question. He destroyed the hard copies.

Answer. But he has the computer disk.

Question. Were you ever told that a computer disk was handed off to Mr. Podesta by Mr. Eller?

Answer. No.

Question. Do you know if there was any action taken as a result of Mr. Eller allegedly telling in the White House Management Review interview that he destroyed all his documents?

Answer. The answer to that is no, but if a hard disk was kept, then all the documents can be rerun and therefore they were not destroyed. Destroyed means destroyed, means gone forever.

Question. We don't know that a hard disk was kept. I just thought that perhaps one was and that you had information that it was actually saved and given over to someone.

Answer. Oh, I don't know.

Question. When did you first learn of the existence of the Vince Foster Travel Office file? By "file" I mean his notebook, spiral-bound notebook that he kept.

Answer. On July 22, 1993.

Question. Was that when you were going through the documents that were in his office?

Answer. Yes.

Question. It has been reported that documents went into three stacks as you went through the documents. Is that correct?

Answer. Documents went into a pile of documents that the investigators wanted to look at after I described the document. We were looking for a suicide note or extortion or a similar such document. That is all we were looking for at that time. Everybody understood that, I believe.

As I went through the documents, describing them, every so often one of the people there from the investigating agencies said, "We might want to take a look at that," so I would put that in a separate pile.

I also made another pile of clearly personal Foster documents, something like an insurance policy, a lease, I don't remember what they were at this point, but something like that.

Since Foster's family lawyer was in the room as well, I created a pile of documents to give him, and if the agencies wanted to look at those documents at any time later, they should get in touch with the personal lawyer later. I make that point, and everybody agreed that was the appropriate thing to do. That was pile number 2.

There was no third pile, but I, in effect, created a pile which was documents which were what I considered White House Counsel's Office documents which would

have to be distributed ultimately to other people in the White House Counsel's Office.

There was a fourth category of documents, which was Clinton personal documents, which ultimately that day I had sent over to the Clintons.

So this three-pile thing, there was a basis for that. Those are the categories of documents that I was dealing with. Sometimes they were separated into piles. Certainly the Foster personal documents were in a pile as I ran across them, and the documents the investigators wanted to look at as I described them were in a pile. The other things were not exactly in a pile. There was a pile of them, but there were other such documents around the office too.

Question. What did you do with the Vince Foster Travel Office notebook when you discovered it?

Answer. What I did, what happened was—you say when I discovered it. It was on July 22nd. As I was going through the files, I came across the Vince Foster Travel Office file consisting of a notebook and other single sheets of paper and various other documents.

What I did with that was what I did with virtually all the other documents. I described it to the people in the room. I remember this because of the publicity in connection with the Travel Office, so this sticks in my mind. I don't remember describing every document, but this sticks in my mind.

I picked them up, this pile of papers, I put them on a desk, and you know who was sitting in the room? The Department of Justice, the FBI, the Secret Service, the Park Police, Foster's family and lawyer, and people from my staff, and Bill Burton was there, too.

I said in front of all these people, I looked at the file and looked at the notebook, at the pieces of paper, looked at the management review report which was parts of it, and I said, This is a Travel Office file that Vince was working on, because I looked at it, and I described it to all the people in the room. I said, Do you remember the Travel Office situation? It got a lot of publicity. There were a lot of criticisms about firings in the Travel Office. Foster was working on it. This is his file.

Question. Was the file in a red well or just a manila envelope?

Answer. No. It was bundled together in—

Question. File folders?

Answer. I don't think so. Some were in file folders, I think. The notebook and the—it was all together. It was in his briefcase. I pulled it out of his briefcase. There were other files in his briefcase too.

I pulled it out, everybody looked as I was doing it, put it on the desk, and looked at it, and saw it involved the Travel Office, and described that to everybody present. All these files here are the Foster Travel Office files. And I described it.

This is reflected in people's notes, in Spafford's notes and Sloan's notes, and maybe in FBI notes, for all I know. If you have access to them, you can see. I explained that to everybody, and everybody nodded. We were looking for a suicide note or an extortion note, and I flipped through the file and didn't see a suicide note or extortion note.

Question. And you remember saying it was a Travel Office file, not a White House Management Review file?

Answer. I remember I said this is Foster's file on the Travel Office matters, this is Foster's file of the Travel Office matter. The management review thing was there too. I said, There was a management review of this thing.

I was trying to explain what Travel Office meant to people in the room who might not know what it meant. We knew what it meant, and there was a lot of publicity on it.

Then I put that file aside, probably in a pile, because it was on the desk, because I remember the famous briefcase, so famous I have testified a lot about this. I put it on the desk, and I put other files there. These were files that were to stay in the White House Counsel's Office, because this is the Foster working Travel Office file.

There were other Foster working files on other matters which I sort of piled up or left in his drawers which I was to distribute to various people. This file I distributed to myself because now that Vince was dead, this was a matter, there was an investigation going on, I was working with Cliff Sloan who was right behind me over my shoulder, so Cliff and I would work on it now that Vince was gone. Vince basically had been handling the Travel Office matter initially.

Once the publicity started and the newspaper stuff and all these investigations started, I got more and more involved because it became a very significant matter, and I started working to some extent with Sloan on it, but Vince had still been working on it. Now that Vince was gone, I would work with Sloan on it.

Having described the file to everybody, including Sloan, who was standing there, I took over Vince's role in this thing and I assigned this matter to myself to continue to work with Sloan. So this file I took with me into my office where I kept it.

Question. And you recall that there was a copy of the management review in that file?

Answer. I believe so, yes. There was a copy of the management review report, the final report, the report that was issued publicly. That was there. Various pieces of paper were there with lawyers' analysis, legal theories.

I looked at the file eventually. I didn't read every piece at that moment. After I took it to my office, a few days later I looked through the file in a more detailed fashion, through Vince's Travel Office file, having told everybody it was there.

Question. The notebook, at the top of each page, which was received, has "Privileged and Confidential in Anticipation of Litigation" on many of the pages. And certainly on the first page it is very prominent. Did you turn a copy of this over to Mr. Foster's personal attorney?

Answer. No. This was a—it had nothing to do with Foster's personal attorney. This file was created in his role as deputy White House counsel. This is a White House Counsel's Office file. It was a legal file of the White House Counsel's Office. I didn't turn it over to Mr. Foster's attorney.

Question. After you took control of the file, did you review it to turn it over to Independent Counsel Fiske initially when he was first requesting documents on the Foster suicide?

Answer. When I received a subpoena, when I became aware of a subpoena from Independent Counsel Fiske, which was in May of '94—he had been appointed in January 1994—but when I received a subpoena after I left the White House, with respect to this, I reviewed that subpoena and I saw that subpoena would cover, as I read it at least, initially this file, and, you know, I talked to Mr. Eggleston about it, I called Mr. Eggleston and said, You should be aware this may be covered by the Fiske subpoena, this Travel Office file that Foster had.

Question. Did anyone else know about the Travel Office file prior to you calling Mr. Eggleston after you realized that the Fiske subpoena, in what month—

Answer. May of '94.

Question. May of '94—might have been calling for that file?

Mr. MAZUR. Can I hear the question again?

EXAMINATION BY MS. OLSON:

Question. Was anyone else aware that the Vince Foster Travel Office file existed until May of 1994 besides you?

Answer. Sure. David Margolis of the Department of Justice, Roger Adams of the Department of Justice, the people from the Secret Service who were in the room, the FBI people who were in the room, the Park Police people that were in the room.

I described a Travel Office file. The people behind Cliff Sloan, Mr. Spafford, Mr. Burton, and in July September of 1993 I apparently mentioned this file or mentioned there were Travel Office materials in the White House Counsel's Office to the GAO, and I also mentioned it in an interview with Mr. Fiske in May of '94 prior to this conversation with Mr. Eggleston.

If you ask me who was aware, all those people were aware that there was a Travel Office file or materials in Mr. Foster's office.

Question. When you mentioned it to GAO, there was an objection raised and you refused to discuss it in your GAO interview. Do you know why that happened? Do you recall when you mentioned the Vince Foster file in your GAO interview an objection being raised?

Answer. I don't recall, but apparently when this issue was raised, whether or not there were Travel Office files or materials in Foster's office at the time of his death, I responded affirmatively, truthfully, yes, there are such files. I said there's confidential and privileged material in Foster's office and there were Travel Office materials in Foster's office.

I don't remember any objection at that point being raised, although I do remember discussions with people on my staff, including Eggleston, that we are not going to be turning over, as a general matter, confidential and privileged material to the GAO unless there was a specific request, maybe we can try to work out some sort of an accommodation.

With respect to some things we made a determination; we did work out accommodations, for example, I think they wanted to see the notes, the notes of the Foster interview by Podesta and Stern. Foster was dead, so he wasn't available, obviously, to be reinterviewed.

While we considered that confidential and privileged material inside the White House, we, as an accommodation to the GAO, because there is no other way they can get that information, we turned that over. But as a general matter we were not turning over confidential and privileged information. That was made clear to them eventually by a letter.

Question. At this point, had you read through Mr. Foster's notebook to know that it was a document that you believed to be White House property rather than his personal property?

Answer. Oh, yes.

Mr. PEDOWITZ. The point that we are talking about is the GAO interview?

Ms. OLSON. At this point, yes.

The WITNESS. Yes, I had read the Foster file by the time of the GAO interview.

EXAMINATION BY MS. OLSON:

Question. When did you read it?

Answer. I read the Foster file probably three or four—probably the following week, July—

Mr. MAZUR. Following what?

The WITNESS. Following—the week following July 22nd. July 22nd was a Thursday, and on Friday we left for the funeral. I don't think I read it the evening of July 22nd. It was a difficult time, because Foster had just killed himself. We had to go to a funeral, which was going to be difficult. So I didn't get back to the White House—I left on Friday morning to go to the funeral with the President. I didn't get back to the White House until Monday morning, and I believe I read the file some time that week, the week of July 26.

EXAMINATION BY MS. OLSON:

Question. During that period, was the file located in your office?

Answer. The file was located in my office, yes.

Question. OPR was investigating the Vince Foster suicide and the note?

Answer. Yes.

Question. Did you ever disclose to anyone at OPR that there was a file and/or notebook that discussed that material?

Answer. I disclosed to David Margolis, the deputy attorney general, to whom OPR reports, that there was such a file.

Question. Can you describe that disclosure to Mr. Margolis?

Answer. On July 22nd that this was a Vince Foster Travel Office file.

Question. Was he ever allowed to look at anything in the file?

Answer. No, but I told him Vince Foster had a Travel Office file. He never asked to see the Vince Foster Travel Office file, nor did Mr. Adams, nor did the Department of Justice. They asked to see other documents in the office that day.

As I said, I made a separate pile. Nobody asked to see the Foster Travel Office file on July 22nd, although they were told there was such a file.

When Foster—after this note was discovered on July 26th and turned over to the Department of Justice on July 27, which mentions the Travel Office matter, no one from the Justice Department, including anybody from OPR, ever asked to see the Foster Travel office file. They just didn't ask to see it.

Question. Did they not ask to see all documents concerning Mr. Foster's—was there not a broader request from OPR for all documents, which would include the Foster file?

Answer. No. There was never any request from OPR or anybody that would include the Foster file. The first request that ever came, to my knowledge, that would include the Foster file, came in May of '94 from Independent Counsel Fiske.

That request, I believe later on maybe it was narrowed, maybe didn't include it anymore. I don't know. I was out of the White House then. The subpoena I saw I believe was broad enough to include that.

But prior to that, to my knowledge, there was no request broad enough to include that file and no one asked for that file. When people asked if there were Travel office material in Foster's office, as the GAO asked on September 24th, 1993, they received a direct response that there were Travel Office materials in Foster's office.

Question. Is it your position that those who were in the office as you went through Mr. Foster's documents realized that there was a Travel Office file and not that it was just a White House Management Review copy?

Answer. I held it up. I was holding up a bunch of papers. I said, This is the Foster Travel Office file. The White House Management Review was just one part of that. He was working on this matter; this is his file; there were yellow pieces of paper sticking out it says; "Privileged and Confidential, Preparation of Litigation," that

kind of stuff. I said, This is his file. This is Foster's Travel Office file. There is a management review report, I said, and you remember this. They were all sitting there. They all heard it. This was fully disclosed to them.

Question. Did there come a time when you moved the file from your office to another location?

Answer. Yes. When I left, what I did was, I brought—it stayed in my office until I left. It was in a drawer right in my desk, wasn't put in a safe or anything like that. And when I left, I just left it in the office files.

There was another Travel office file, an office—a White House Counsel's Office Travel Office file with correspondence and things like that in the area of my secretary outside my office.

So what I did was, I put the Travel Office file with the other Travel Office files. As long as I had it in my office, it was split from the other Travel Office files. I didn't normally keep a lot of files in my office, but there were some files in my office. This I happened to take to my office, and it ended up staying there.

Question. This other Travel Office file that was in your secretary's area, did it have to do with the White House Travel Office matter or just matter?

Answer. No. I think it had to do with the White House Travel Office matter. I didn't have in my office all the White House correspondence or other things connected with the Travel Office matter—not White House travel, but the Travel Office matter. I had some, including the Foster file, so I combined them when I left.

Question. Did you tell anyone at that time about taking the file and putting it into the secretarial area?

Answer. I didn't tell anyone—when I left, I sent files here, I combined files. There was other things I took out of my office; I don't remember what now particularly. I didn't go around telling anybody. This was part of the files. I just put them in files. There was nobody to tell.

Question. There is a file that ended up with Mr. Kendall as part of the Vince Foster documents that had to do with the White House project. That is the label that was on it. Do you recall any documents or anything having to do with the White House project that were in Mr. Foster's office or that were specifically sent to Mr. Kendall?

Answer. What is the White House project, do you know?

Question. It is one of the Harry Thomason projects.

Answer. No. I don't recall. I have no recollection on that.

Question. There was also a file that was called the Bush file index. Do you know what was in that file?

Mr. MAZUR. This is a file that was in Foster's office?

EXAMINATION BY MS. OLSON:

Question. Yes, and obviously, with the latest revelations, we are curious if there in fact could have been some Bush files in Mr. Foster's office concerning personnel records.

Answer. No. I know of no such file in Mr. Foster's office involving any personnel records.

Question. Do you know of a Bush file index that was in Mr. Foster's—

Answer. No, I don't.

Question. Do you know what was in a file entitled "Bush file index" at any time in Mr. Foster's office?

Answer. No. This is the first I ever heard of it. I talked to Boyden Gray and got some ideas from him on various things. Foster and I met with Gray when we first came into the White House, and I think Vince took notes of our meeting. He was giving us ideas and the Counsel's Office. You know, conceivably those notes could be in that file, but I don't know. I am not sure.

Question. Was there any specific reason why the Foster Travel Office file wasn't indexed with the other counsel files that were removed from Mr. Foster's office? I am talking about the July 26 index that Mr. Neuwirth did of all the remaining Foster files.

Answer. I don't know, because some of the files—because I asked him to index—I made—I had made a determination when I saw the Travel Office file at this point that I was going to be handling this matter with Sloan, so I took the file into my office and I then worked on the matter in the future.

The purpose of sending Neuwirth in to make an index on the 26th, which I determined to do, was that we should index the file, so I could have a handle on what other files were in his office, so I could make a determination as to who to send them to.

I didn't want to go in and spend 2 days in Foster's office, which was hard enough to do because of emotional reasons, looking through everything and saying, "Here, this is a file on ethics; send this to Beth; this is a file on presidential; send this to Neuwirth." I said, "Steve, you go in, just give me an index of all the things in that office. I will then sit down with the index and I will look at that index and distribute the files. I will determine who should get what at that particular point." And that was the purpose of the Neuwirth index.

I had already assigned and taken out the Travel Office files, so there was no reason for it to be on the index. The index was designed—if he had found other Travel Office material in there at that time, which apparently he didn't, because I don't believe there were any at that point, he probably would have put it on the index. But I had already made a judgment to assign that to myself.

He was there. Neuwirth, I believe, was there when I announced—he was one of the people—This is Foster's travel office file.

It wasn't designed to be a complete index of everything that was in Foster's office on July 22nd. It was designed to be an index of what remained in Foster's office on July 26 after I had distributed personal files to Foster's personal lawyers, after I distributed Clinton personal files to the Clintons and ultimately to their personal lawyers, Williams and Connelly, and after I removed what I assigned to myself. That was the purpose of the index. That is why the index wouldn't have to include the Travel Office file.

Question. The Vince Foster notebook, on the first page it discusses a meeting with Harry Thomason. Mr. Foster discussed a meeting that Harry Thomason had. There's also other references to Harry Thomason throughout that file.

Answer. Yes.

Question. Did you ever discuss the Vince Foster notebook in relation to the request being made by the Justice Department in its investigation of the White House Travel Office matter? And specifically it is the Public Integrity criminal investigation.

Answer. No, I don't believe I ever did.

This was a—you know, a lawyer—this was a lawyer's work product privileged file. There was no secret about Harry Thomason's involvement in this matter. It was laid out in—to a large extent in the management review.

In any event, the answer to your question is no.

Question. Did you tell Mr. Cutler about this file prior to your leaving?

Answer. I don't think I told Mr. Cutler about any file prior to my leaving.

Question. You said that you told Mr. Fiske about the file. Was anyone at the White House that remained told that you had informed Mr. Fiske about the Vince Foster Travel Office file?

Answer. I think I told Eggleston that I told—no, I don't know if I did or not. I don't know—I told—the only thing I remember telling Eggleston is that I just looked at a subpoena and it was covered by—it may have been covered.

I don't think I described my interview with Mr. Fiske—Fiske's people actually, not with Mr. Fiske himself—to Eggleston, but I told Fiske about it—Fiske's staff about it. I never met with Mr. Fiske with respect to this thing.

So I told that to Fiske's staff, that there was a White House Travel Office—that there was a Foster Travel Office file, and then I told Eggleston that the subpoena may cover that and he should look; the file is with the rest of the—it was in the secretarial area.

Question. Did Neil Eggleston or anyone else tell you about a July 10th memo that he wrote—and this is obviously after you are gone, but it is a July 10th memo Mr. Eggleston wrote about the Vince Foster file and its failure to be produced.

Answer. He wrote it to who?

Question. It is a memo to file.

Answer. July 10 what year?

Question. 1994. It is after you were gone.

Mr. MAZUR. You want to know if he ever saw it?

EXAMINATION BY MS. OLSON:

Question. If Mr. Eggleston told you about it or anyone else.

Answer. I don't know that Eggleston ever told me about it. I am aware, in preparation for this examination, about the possibility of such a memo, but I didn't know about the memo at the time or what he said in the memo. That is July '94, so this is after my conversation with him and Fiske's people about the existence of this file.

Question. Did you ever have any conversations with the First Lady about the contents of the Vince Foster Travel Office file?

Answer. No, I never did.

Question. During the period when Ms. Nolan was reviewing whether Mr. Thomason was a Special Government Employee, did you ever inform her that Mr. Foster had done—had taken notes concerning whether Harry Thomason was an employee and written cryptic notes about that?

Answer. No, because she was the expert on whether Harry Thomason—whether the facts and the law were such that Harry Thomason would be a Special Government Employee. It is like she was the one that he and I were looking to with respect to those issues. He had no particular expertise or knowledge of that law other than what she told him and told me. We hired a very good person, so had great confidence in her. It never occurred to me to tell her that Vince had some scrawled notes on the SGE issue to her. If he scrawled anything, it is probably because he got it from her.

Question. Was Ms. Nolan provided with any other information other than the White House Management Review to use in her determination whether Harry Thomason was a Special Government Employee?

Answer. She had free access to talk to anybody she wished in the White House about the facts. She wasn't going to base it on—a determination of whether Harry Thomason was a Special Government Employee—the analysis that was being done at some point with respect to that matter is not based on a management review report solely. She could talk to anybody.

Question. You didn't limit it to the four corners of the White House Management Review?

Answer. I don't believe so. It doesn't sound—unless I believed at the time that the four corners of the White House Management Review contained all the relevant facts. But I didn't limit it, no. I don't recall limiting it.

Question. Do you know anybody else who told her that she was supposed to do her analysis solely upon the four corners of the White House Management Review?

Answer. No. I don't know of anybody who told her that. I can't imagine saying to somebody, "You determine if somebody is a Special Government Employee. Even if you want to find out additional facts, you must make a determination on the basis of the White House Management Review."

Question. Why not? What would be wrong with that?

Answer. Because it is an artificial—if the White House Management Review didn't ask certain questions or missed certain issues or didn't delve into certain things that she wanted to delve into, of course. I want a real answer.

On the other hand, if the White House Management Review is totally complete and provides every fact that one needs, then you can look to the White House Management Review.

But certainly she wasn't instructed that she must limit herself to the White House Management Review in making a decision about Special Government Employees. I wouldn't give her that instruction, and she wouldn't accept that instruction from me, knowing Beth Nolan.

Question. I wanted to ask a couple of questions concerning the Billy Dale indictment. Did you receive any information prior to his indictment by Department of Justice about the internal status of their investigation of Billy Dale?

Answer. The answer to that question is no. The White House—when was the indictment?

Question. That came down in December of '94. However, it was pushed several times.

Mr. PEDOWITZ. I am sorry; pushed?

Ms. OLSON. The internal Justice Department documents show that there was near an indictment and something would happen and they would move the time.

The WITNESS. And your question is: Was I informed about the indictment in advance?

EXAMINATION BY MS. OLSON:

Question. The status of their investigation prior to the public announcement of the indictment.

Answer. No. To my knowledge, the White House had absolutely nothing to do and no involvement in and received no status reports on, didn't push in any way, shape, or form the investigation of Billy Dale and the others by the Justice Department. That was solely within the province of the Justice Department. The White House stayed out of that totally. It was up to them to make whatever decision they thought appropriate with respect to the Billy Dale matter.

Mr. PEDOWITZ. I know I don't need to remind you, but by April of 1994 Bernie Nussbaum was no longer in the White House.

Ms. OLSON. I think the other section is a fairly lengthy section. It would probably be more misleading than helpful to start it then stop.

Mr. Goldberg, do you have further questions?

Mr. GOLDBERG. No.

Ms. OLSON. I sort of skipped through some things, but I think I am probably, I would say, 70 percent done. So if we have time, it will not be as long. I think I can cull through what I have left and go through the answers I have to make a concise conclusion to this.

[Discussion off the record.]

Ms. OLSON. I thank you very much for coming up. Our record is off.

[Whereupon, at 3:29 p.m., the deposition was concluded.]

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

IN THE MATTER OF: WHITE HOUSE TRAVEL

DEPOSITION OF LISA WETZL

MONDAY, JUNE 17, 1996
Washington, D.C.

The deposition in the above matter was held in Room 2203, Rayburn House Office Building, commencing at 5:05 p.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Olson, Chief Counsel; Barbara Comstock, Majority Counsel; Kristi Remington, Investigator; David Schooler, Minority Chief Counsel.

For LISA WETZL:

DAVID A. WILSON, ESQ.

RACHEL WARD, Summer Associate

Hale and Dorr

1455 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Ms. OLSON. We are on the record this morning for the deposition of Lisa Wetzel, which will be administered under oath.

I would like to identify the people who are present in the room. Kristi Remington, myself, Barbara Olson, are from the Government Reform and Oversight Majority staff, and Dave Schooler is from the Government Reform and Oversight Minority Staff.

Before you are sworn in, I would like to provide you with some background information concerning our general investigation and your appearance here. Pursuant to its authority under Rules X and XI of the House of Representatives, the Government Reform and Oversight Committee is investigating the White House Travel Office matter.

The matter refers to all events which led up to the May 19th, 1993 firings of the White House Travel Office employees and it includes all information which is provided about the White House Travel Office and any employees of the White House Travel Office at any time from January 1, 1993 to the present.

Our investigation also encompasses activities of Harry Thomason, Darnell Martens and Penny Sample at the White House, as well as allegations of wrongdoing concerning the Travel Office employees.

We are reviewing all actions taken by the FBI and the Department of Justice, both prior to and after the firings in May of 1993. This includes any action that was taken by FBI field office personnel and any White House involvement in coordination or attendance of any of the interviews subsequent to the firings.

The investigation includes but isn't limited to the investigation and prosecution in the United States versus Billy Ray Dale case, and all investigations and subsequent reviews of the Travel Office firings by any agency, including but not limited to the White House Management Review, the FBI, I.C. Smith, OPR review, which was also done as a Justice Department OPR review, the IRS internal review and report, as well as the proposed House of Representatives "Resolution of Inquiry" which was considered and voted on in the House Judiciary Committee in July of 1993.

We are reviewing all actions relating to or describing the criminal investigations into the White House Travel Office matter which include any subsequent action or activities of any kind as a result of the above-mentioned event by either the White House, the Treasury Department, the IRS, the GSA, GAO, the FBI, both Independent Counsels, Mr. Fiske and Mr. Starr, and the Department of Justice up to the date of this request.

Although we understand that you have limited knowledge on these subjects, do you understand that your answers should be complete as to include all information which you presently have concerning any of these subjects?

Mr. WILSON. Let me just state for the record what I have said other times that I have been here. I have no problem, obviously, with having her answer any question you put to her completely and fully, but I don't think it's fair to ask that she volunteer information that is not asked, that may be completely irrelevant to the question asked, just because it's within the scope of the very, very broad mandate that you feel you are operating under.

So if your instruction or your request is that she agree that she is going to answer all questions completely, fully and truthfully, I have no problem with that. If that's the spirit in which you mean that, I don't have a problem with it.

Ms. OLSON. It is.

Mr. WILSON. Okay.

Ms. OLSON. The committee has been granted specific authorization to conduct this deposition pursuant to House Resolution 369, which was passed by the House of Representatives on March 7th, 1996. Pursuant to Committee Rule 19, which has been provided, I believe, to your counsel, Minority counsel and Majority counsel will be given an opportunity to pose questions to you, and in equal times of one hour.

Counsel will pose these rounds of one hour until all counsel have completed their questioning. The only exception to this will be if a Member of this committee is present and wishes to pose questions to you. If that occurs, the questioning will cease.

The Member will be afforded an immediate opportunity to pose any questions and when all questions have been asked by the Member, counsel will resume posing questions.

You are here today voluntarily and not by subpoena, is that correct?

Ms. WETZL. Yes.

Ms. OLSON. Okay. And this deposition is under oath. You will be allowed to confer with your attorney. If you don't understand a question, please tell me. I will try to rephrase it and clarify any questions that I ask.

I do ask, however, that all objections raised by your attorney be stated for the record with the reason for the objection. If there is a disagreement as to whether the objection is valid under this deposition, I will confer with Minority counsel.

If it ends up that Majority counsel still believes that the objection isn't proper, it will be presented to the Chairman of this committee for a final decision. The Chairman has agreed to confer with the Minority, Ranking Minority Member, before any final decision is made.

At the conclusion of this deposition, you will be given a 5-day time frame in which you and your attorney will be allowed to review this deposition, make any changes, correct any errors in transcription, as well as to append any information which you perceive needs to be added to clarify your testimony.

After the review period, you will be asked to sign the transcript. Do you understand that?

Ms. WETZL. Yes.

Ms. OLSON. You are accompanied by your counsel this morning. I ask that you be sworn in at this time by the court reporter.

THEREUPON, LISA WETZL, a witness, was called for examination by Counsel, and after having been first duly sworn, was examined and testified as follows:

EXAMINATION BY MS. OLSON:

Question. Do you have any questions before we get started?

Answer. No.

Question. Can you just give a brief work history from college until today?

Answer. From college till today? Okay.

In June—I graduated in May of 1993. In June, 1993, I began a White House internship. In August of 1993, I was hired by the White House Personnel Security Office as a staff assistant. In—and I am not sure of the exact date—but in the fall of 1994, I was promoted to Executive Assistant, White House Personnel Security.

September, I believe, of 1995, I left the White House and began to work for the Department of the Army.

Question. I am sorry. The Department of?

Answer. Department of the Army.

Question. And what's your position with the Department of the Army?

Answer. Confidential Assistant to the Secretary of the Army.

Question. And for the record, can you state the person to whom you are a confidential assistant to?

Answer. The Secretary of the Army, the Honorable Togo D. West, Jr.

Question. When you came into the White House as an intern in June of 1993, where did you work primarily?

Answer. White House Personnel Security.

Question. Okay. And who did you report to?

Answer. Craig Livingstone.

Question. Okay. Do you recall any other individuals who were in that office besides Craig Livingstone back in the June 1993 time period?

Answer. Yes.

Question. Okay. What are their names?

Answer. Craig Livingstone, Mari Anderson, Nancy Gemmell, and there were a couple of other interns.

Question. Okay. Did you work at any other White House offices besides the Office of Personnel Security while you were an intern?

Answer. No. Well, the first day I was placed in an office and then the second day I moved to White House Personnel Security.

Question. Okay. Can you just describe briefly how you obtained that position?

Answer. Actually, White House Personnel Security had sent a request to the White House Internship Office that they needed help, and I wasn't—the office that I had originally been assigned to had let us all go for the day and so I went down and helped them for that day and then they asked that I permanently go there, and I said okay.

Question. And so what office were you in the first day when you got the notice that your other office needed help?

Answer. I think it was Public Liaison.

Question. Okay. So you didn't actually take the internship knowing that you would be in the White House Personnel Security Office?

Answer. Right.

Question. Did you know Craig Livingstone before you went into the office that second day?

Answer. No.

Question. When you first came in to the office, what were your duties?

Answer. Office support, answering the phones, that type of thing.

Question. Okay. And I think you said there were two other interns that were there. Did they stay for a period of time or were they just there for the one day?

Answer. No. They were there, I believe, part of the summer.

Question. Okay. And were they full-time?

Answer. I can't remember.

Question. When you started, were you full-time?

Answer. Yes.

Question. Okay. So did there come a time when you changed your job from working answering the phones and take on any other responsibilities?

Answer. As an intern?

Question. Yes.

Answer. Yes. I was also making phone calls to staff to come—correct forms that they had filled out for us. There were things that needed to be filled in on the forms, as I recall.

Question. What kind of forms, if you recall?

Answer. It's called the SF-86.

Question. And do you know if you had the SF-86s for the political appointees or the new staff or holdovers? Were they divided up in any category that you knew of at that time?

Answer. This was all new staff.

Question. Okay. And did this include the entire range of new staff or was it just—was it—did it include the political appointees, as well as the new hires?

Answer. I don't understand the question.

Question. Did it include the people who were coming into the political appointment slots as well as career slots or was it divided up?

Answer. At that time, the vast majority of the backlog were political appointees, because they were the new people of the administration. But it would have been anybody's SF-86 that was taking a new position.

Question. And where was your office or where was the place that you were located during this time frame?

Answer. The Old Executive Office Building, Room 84.

Question. Okay. And I believe Mr. Livingstone is in Room 86; is that correct?

Answer. No. At that time, he was in Room 84, when I worked there.

Question. Okay. Were there any other individuals sharing that same office?

Answer. We were all in the same office.

Question. Okay. Did there come a time where you accepted additional responsibilities, other than looking at the Form 86s?

Answer. Well, it was just general office work. There was a lot of backlog of paperwork. We were creating files. I mean, there were several—I just helped on whatever I was—I helped with, you know, office paperwork.

Mr. WILSON. Are you talking about in general during the time that she was there or just the time she was an intern?

Ms. OLSON. Well, really the time when she was an intern leading up to the fall of 1994.

Thank you.

EXAMINATION BY MS. OLSON:

Question. You said they were creating files. Do you know what that project was?

Answer. When we were creating files?

Question. Yes.

Answer. That project was getting the office up and running.

Question. Can you describe what you were doing to get the office up and running?

Answer. There are security checks that are required on new personnel, so needless to say, that generates paperwork. By the time I got there, it was June of 1993 so it had been, what, 5 months since the new administration had started. So there was quite a—quite a great deal of paperwork that needed to be done. It needed to have a file. And that's what we spent a great deal of time doing, is just typing up labels and making up files for this paperwork.

Question. Okay. Prior to starting at the White House as an intern in June, had you ever worked or volunteered on a political campaign?

Answer. No.

Question. Okay. When you obtained the new title, the executive assistant in the fall of '94, did your responsibilities change?

Answer. Yes.

Question. Okay. Can you just describe what you started doing at that time or how your responsibilities changed?

Mr. WILSON. If I'm not mistaken, have we skipped over the period during which she was a staff assistant?

The WITNESS. Yes.

EXAMINATION BY MS. OLSON:

Question. Let's go back to August of '93. Did your responsibilities change when you became a staff assistant?

Answer. Yes.

Question. Okay. Can you describe those?

Answer. It's not—the responsibilities didn't significantly change except I was now there for the long-term so I could, you know, really get to work on things that needed to get accomplished.

Question. And who did you report to in August of 1993?

Answer. Craig Livingstone was the director of the office. Mari Anderson was his executive assistant. I was underneath effectively both of them.

Question. Okay. Who would assign you things to do on a daily basis?

Answer. Mostly Mari Anderson. Sometimes Craig—

Question. Okay.

Answer [continuing]. Livingstone.

Question. There's obviously been information about a project that was going on to update the background files of the holdover White House employees. Were you involved in that project?

Answer. At what time period?

Question. Well, by August of 1993.

Answer. No.

Question. Okay. Other than doing general office work and helping to update the Form 86 or correct any information missing, were there any other activities or responsibilities that you took care of from August of 1993 on?

Answer. All new employee paperwork that was coming in, the initial security checks and what's involved in it, getting them into the building and things of that nature.

Question. And by what you have just described, did that include getting the forms filled out and submitting them?

Answer. For a small period of time, I—when I would send the forms, but in August of 1993, the office got a detailee and he took that function over from me.

Question. Who was that detailee?

Answer. Tony Marceca.

Mr. WILSON. Just so the record is clear, when we are talking about the forms, can we just identify what the forms are? This whole procedure for getting clearance is a little complicated and I want to make sure that her testimony on the record is clear.

Ms. OLSON. Thank you.

EXAMINATION BY MS. OLSON:

Question. Why don't you identify what forms you were doing up until August of 1993.

Answer. I was helping to correct and to submit to the FBI the Standard Form 86 for new employees.

Question. Okay. Prior to coming in to the White House in June as an intern, had you ever seen a Form 86 before?

Answer. No.

Question. And you started doing some of that in June. Am I correct?

Answer. Right.

Question. Who trained you as to what a correct Form 86 was?

Answer. Nancy Gemmell.

Question. Okay. Was there any books or other materials that they had to offer you to read so that you could study about the office and/or the Form 86s?

Answer. No.

Question. So all the training was done on an oral basis?

Answer. The institutional memory of Nancy Gemmell.

Question. Okay. And did Nancy Gemmell report to Mari Anderson as well?

Answer. No.

Question. Do you know who she—who her direct supervisor was?

Answer. Craig Livingstone.

Question. And just briefly, if you can describe how Nancy Gemmell trained you on, for example, the Form 86s?

Answer. She went through the entire process with me of reviewing the form to see—to make sure that there were no gaps in information that the FBI would require; just to clarify if I did send an SF-86 and it didn't have the correct information on it, they would not start the investigation.

They would send it back to us and it would just be a long wait—period of time. So we wanted to make sure we had it right the first time we sent it to the FBI. And then there's a form that we have to fill out when we send the paperwork to the FBI and there's just several steps that go into it. She went through all of them with me.

Question. Did you actually fill out the paperwork that would go along with the Form 86 when it was sent to the FBI?

Answer. Yes.

Question. Okay.

Ms. OLSON. I am going to mark a document as Deposition Exhibit No. 1.

[Wetzel Deposition Exhibit No. 1 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. It is a May 12th, 1993 document that's Bates stamped No. 2929 and it's a memorandum to FBI, Liaison. It is cited as from Bernard Nussbaum, and it says: Subject, FBI investigations. I am not asking if you recognize this specific type and the name of the person, but do you recognize generally this form?

Answer. Yes.

Question. Is that the form that would accompany Form 86s?

Answer. It's the form. It's not filled out the way I would to order—to send an SF-86.

Question. Can you just tell me what's different about it?

Answer. This is a name check. What I will—this is an initial security check. Once this was returned to us, we would send a request for a full field background investigation with the SF-86. We would mark this "full field investigation," depending on what type of staff they were, Level 2 or Level 3.

And also down here we would mark SF-86 under attachments.

Question. Okay. And were name checks always done prior to a full field investigation?

Answer. Yes, for new employees, yes.

Question. Did you wait until you got the responses back from the FBI on the name check to then order the full field or was there any type of—

Answer. Yes.

Question [continuing]. Normal course of business that you followed?

Answer. Sorry.

Question. That's fine.

Answer. Yes. We would—I believe it was at the FBI's request that we waited for the name check to come back to ask them to start an investigation because there were various files that they would pull in their Bureau for the name check that if they started an investigation they wouldn't be able to find them. It was just less confusing to them if we just waited until the name check was completed, had that and then asked them to start the investigation.

Question. Did you ever meet any of the people over in the FBI where these documents went to?

Answer. Yes.

Question. Can you tell us who you met?

Answer. I'm having difficulty remembering last names, but one day we did go over to the FBI office to meet these people that I dealt with on a regular basis. Oh, Barbara King, I dealt with her a great deal. And she introduced me to various people around the office.

There was a woman named Lisa who I talked to if Barbara wasn't there. Sometimes I talked to—what's her name? It's Pat something, but not often. She was, from what I understood, a supervisor above these people so usually I talked to these people.

Question. Do you know if Barbara King was in the SPIN Unit or in the Name Check Unit?

Answer. SPIN Unit. I also dealt with people in the Name Check Unit. I don't remember meeting them, however.

Question. Okay. Did you ever meet Jim Bourke from the SPIN Unit?

Answer. I believe I did. I believe he was there that day we went over.

Question. He was the unit chief at that time?

Answer. Uh-huh.

Question. Did they give you any background on the work they do and the type of work or hints on the type of work you could do that would help them facilitate getting these forms back in a more timely manner?

Answer. I don't recall.

Question. Did Barbara King or any of the other people that you talked with at the SPIN Unit explain to you what went into SPIN and what went into Name? Or did you already have that knowledge? What went into the Name Check Unit or did you already have that knowledge?

Answer. I don't recall if I had that knowledge at that time. If I didn't, I learned soon afterwards the difference.

Question. Okay. Can you just, just for the record, explain basically what your understanding is of the difference between the two?

Answer. Sure. Requests for full field investigations go to the SPIN Unit and also requests for 5-year updates, any type of investigation go to the SPIN Unit. Requests for name checks and also requests for previous copies of previous reports are handled by the Name Check Unit. That's my understanding.

Mr. SCHOOLER. Are handled by what?

The WITNESS. The Name Check Unit.

EXAMINATION BY MS. OLSON:

Question. Did there come a time when you were instructed that a name check shouldn't be done on full field investigation individuals?

Answer. No.

Question. You said that in August, Mr. Marceca began in the office and took over responsibility. Can you just describe, as best you can and with as much specificity as you recall, what he took over, the responsibilities that you had as well as others in August?

Answer. Well, at that time, in August, that he came, we had still a large backlog of SF-86s that needed to be corrected by the individuals who filled them out, and then processed and sent to the FBI. I had been doing that.

He started doing that. And both myself and Nancy Gemmell went through it with him. That's what he did for—when he first got there, until the backlog was taken care of.

After the backlog worked itself out, some time in the fall, I believe, of 1993, he started the reinvestigation update project.

Question. Was that already an ongoing project by the time he came in to it?

Answer. It had been. Nancy Gemmell had started it, but then it had sort of fallen by the wayside as we were trying to get this other stuff done.

Question. And by "other stuff," do you mean the SF-86?

Answer. The new people processed.

Question. Okay. Do you know when Nancy Gemmell began the update project?

Answer. No.

Question. Had it already begun when you came into the office in June of '93?

Answer. I don't know. It was very chaotic. Everybody was typing—you know, trying to get through these files and doing different things. From what I observed, Nancy would be doing several different things at once, you know. Depending on the time of day you asked her what she was doing, she was working on something else. That's pretty much how it was for everybody in the office.

Question. So was there any activity going on on the update project until you noticed Mr. Marceca picked it up in the fall of '94?

Mr. WILSON. You are asking her whether she observed anybody doing it?

Ms. OLSON. She observed any activity.

Mr. WILSON. Or she learned at some point that something had been done?

Ms. OLSON. I asked her if she observed any activity going on in the update file.

EXAMINATION BY MS. OLSON:

Question. I know you said it had been put to the side, but was there any level of activity that you observed going on with that?

Answer. I don't know if I realized it at the time, but Nancy was working on it as one of the many things she was trying to get updated.

Question. Okay. When Mr. Marceca picked back up that project in the fall of '94—

Answer. '93.

Question. I am sorry.

Excuse me, Mr. Schooler?

Mr. SCHOOLER. Didn't you mean fall of '93?

Ms. OLSON. Yes. Thank you.

EXAMINATION BY MS. OLSON:

Question [continuing]. Was he working with anyone else?

Answer. I don't believe so. He may have asked interns to grab things for him or, you know, type up labels or something. But most—it was mostly—it was his project.

Question. And by "interns," do you mean the other two people were they still interns in the office in the fall of '93?

Answer. I don't believe it was the same two interns, but I—every session we usually had about—had one or two interns in the office.

Question. And can you define what you mean by sessions?

Answer. Oh, sorry. The intern program has two summer sessions, a fall session, a very brief winter session and a spring session.

Question. And so there were approximately two interns working in that office at each session?

Answer. Roughly, yes.

Question. Do you know when this intern program began?

Answer. The history of it?

Question. Do you have any knowledge about when the history—in the White House Personnel Security Office?

Mr. WILSON. You mean, when—

Ms. OLSON. When—

The WITNESS. It was a—

Mr. WILSON. Do you understand the question?

EXAMINATION BY MS. OLSON:

Question. Do you have any knowledge about when the White House Personnel Security Office Intern Program began? I know it's a broader program, but when interns started going into that office?

Mr. WILSON. You mean in the Clinton administration?

Ms. OLSON. At any time, if she has any knowledge of when it started.

The WITNESS. The program itself?

EXAMINATION BY MS. OLSON:

Question. Yes.

Answer. I wasn't there but I believe it started when the Clinton administration came over. I think actually it was in existence before that. It was in the previous administrations, but obviously it was new people working on it. And I don't know when Personnel Security started getting interns. It was sometime before I got there.

Question. Okay. So you weren't one of the first interns in there?

Answer. I may have been—

Question. Okay.

Answer [continuing]. One of the first. Not the first.

Question. And was there ever any period of time, while Mr. Marceca was working on the update project, that there were others working on it with him other than the approximately two interns that were working during whatever session it was?

Answer. I don't know that they were working on it with him. They may or may not have helped him with little things. But, no.

Question. Okay. Was—did Nancy Gemmell continue to work on the project with Mr. Marceca?

Answer. Nancy Gemmell left very shortly after Tony got there.

Question. Okay.

Answer. Retired.

Question. Did you know Mr. Marceca prior to him coming in to the office?

Answer. No.

Question. Okay. You said that you now work over at the Department of the Army. Did he help you in obtaining your position in any way?

Answer. No.

Question. Did Mr. Livingstone assist you in obtaining your position over at the Department of Army?

Answer. No, other than submitting my resume to Presidential Personnel, which anybody could do at the White House.

Question. But he didn't make the suggestion that you go over there on initial contact?

Answer. No.

Question. Okay. Can you describe what you observed Mr. Marceca doing on this update project, what type of activities or what you saw, the fruits of his labor?

Mr. WILSON. That's two different questions.

EXAMINATION BY MS. OLSON:

Question. Then why don't you describe what you saw him doing on the project.

Answer. I know he—I knew he was working on it, you know, and we were all in the same office so, you know, I would see him at his work station but I really didn't get involved in the details of what he was doing.

Question. By his work station, did he have a desk in the office?

Answer. It was a table.

Question. Okay. Did each of you have separate tables? Can you just describe, I guess, the layout of the office once Tony came in?

Answer. Sure.

Question. And you were there and Craig was there.

Answer. Okay. We moved furniture around several times. I am trying to remember what it was like then. From what I recall, you would walk in the door. Mari's desk was to the left.

Question. And it was a desk?

Answer. Mari had a desk.

Question. Okay.

Answer. My desk was to the right of the door.

Question. A real desk?

Answer. A real desk.

Question. Okay.

Answer. Smaller than Mari's but real. Then kind of—when you walked in the door, Mari's desk, the front of her desk, faced you. Tony's back was to Mari's side. Does this make any sense? He had a table.

Question. And just a regular—

Answer. Not a desk; like a longer little worktable.

Question. Okay.

Answer. And that's where he sat with his back to Mari. In the opposite third—opposite corner of Mari, third catty-corner, I guess, was Craig's desk.

Question. Was Nancy—she was gone by then, but were any of the other interns in there?

Answer. It's a one-room office and then a vault. The vault is the small room. There was another table set up in there with chairs and that's mostly where the interns were. There was also another small, unused desk in the office where sometimes one of them would sit there instead of sitting in the vault. Nancy, when she was there, sat in the vault the whole time.

Question. Okay. And by vault, is it a secure room with a lock?

Answer. Yes.

Question. And is it kept locked—I suppose if there are people in there it's not kept locked at all times, I would assume?

Answer. Right. The door is open during the day when we are in there, in the office. If anybody leaves the office, like a staff member, if there isn't a staff member present who has access to the vault, then it's closed before you leave. And then you open it when you come back in and then at night it's closed.

Question. What kind of—other than having the table, what else is in that other room, any other desks?

Answer. There is a small little telephone table with a telephone on it, and then large file machines up against the wall.

Question. Okay. And what kind of files are kept in there?

Answer. Two of the file machines are used by White House Personnel Security. Those files are personnel security files for the employees who work at the White House. The other two file machines were used by Records Management, and I don't know what kind of files were in there.

Question. Okay. Did you know any of the people from Records Management who would come in and use the files?

Answer. Yes.

Question. Who was that, that you would see in the vault or that you saw in the vault during the period of time you were there?

Answer. I don't—to tell you the truth, I don't know their names. I would say hi, recognize them as Records Management, that they were allowed to go in the vault and it—it didn't happen very often that they would need to get in there. From what I understood, they used those for storage mostly, for things that they didn't use regularly or need regularly.

Question. Did all the Form 86s and background files go in those file cabinets in that vault?

Answer. Yes.

Question. Okay. In the period of the fall of '93 and up through, I guess, February of '94, did Mr. Marceca continue to work on the update project?

Answer. As far as I could tell, yes.

Question. And while you were in this single room, did you hear any conversations about what the purposes were for the update project?

Answer. I knew what the goal of the update project was.

Question. And what was that?

Answer. To—it was my understanding we had to have a personnel security file on every active employee or detailee, pass-holder, basically, that fell underneath our, I guess, jurisdiction, and that included previous—people who had worked through successive administrations. And we needed to regenerate files on those people that were still working there.

Question. And do you know why—if Mr. Marceca was detailed specifically to work on that project?

Answer. No. It was my understanding he was detailed to help us in any—in our backlog.

Question. Okay. Do you know why he immediately started working on the update project after he finished up the Form 86s? Did you overhear anybody—who assigned him or who directed him there?

Answer. Mari Anderson, I believe, assigned it to him.

Question. Okay. At that time, had you also completed all—receiving all of the background files and background information on the new administration individuals?

Answer. You mean, had we received the completed investigations from the FBI?
 Question. Or sent them all out.

Answer. The backlog was taken care, but there was—it was constantly new people being hired, people leaving, people coming. I mean, there was always a steady stream of SF-86s into the office and this process was ongoing, that we would send it to the FBI. The backlog had been taken care of.

Question. Okay. So by the fall of 1993, you had no more backlog of Form 86s that needed to go to the FBI?

Answer. I don't know that we had no more. We were always very busy. Tony continued to do that. So I mean you would have to ask him if there was a backlog.

Question. Okay. Do you know what types of lists that he was using to help with the update project?

Answer. Yes. It was a list from the Secret Service.

Question. Okay. And do you know how he got those lists from the Secret Service?

Answer. No.

Question. Did you ever notice Nancy Gemmell working from Secret Service lists on any of the projects—

Answer. Yes.

Question [continuing]. That she was working on?

Did she ever tell you or did you ever come to learn how she got her lists from the Secret Service?

Answer. Yes.

Question. How?

Answer. She asked them for it.

Question. Did you ever receive Secret Service lists to work on materials?

Answer. Yes.

Question. Okay. And where did you get your lists from?

Answer. I asked them for it, the United States Secret Service Technical Services Division.

Question. Did the Secret Service regularly provide lists at any period to your office on either a weekly or monthly basis, that you know of?

Answer. Yes.

Question. Okay. What was that? What kind of basis did they provide lists?

Answer. Both weekly and monthly, and if we needed the—needed it for some other reason, you know, at another time they would give it to us.

Question. And so if you were working on a Secret Service list and a new list would come in, it was time for the weekly list to come in?

Answer. Right.

Question. Did you change over to that list or what would happen?

Answer. It depends on what—there were several different lists, so it depends on what project and what list from the Secret Service that we were talking about.

Question. Can you describe the different lists that you saw in the office?

Answer. Sure. There was one that I worked off of. It was a list that I got weekly, that had all the temporary pass-holders that were going to expire the following week. Temporary pass-holders were those whose investigation had not yet been completed or, you know, whatever. They hadn't received a permanent pass yet, so their pass expired every 90 days.

I would receive a list once a week from the Secret Service of those people who were going to expire the following week. Another list would be we received a list once a month of all the pass-holders by office. Those were the two I was familiar with at that time.

Question. Can you describe how the list is set up for all the pass-holders by office? And what do you mean by "office"?

Answer. Well, it isn't really. It's Secret Service's categories that they have made up. I think they actually call it agency designee. Within each office, it would have a list of pass-holders in alphabetical order.

For example, General Services Administration would be a separate category, all those people who are mostly, you know, cleaning, custodial, moving people.

Question. Would that be A to Z, broken down?

Answer. Right. All those people would be A to Z, under General Services Administration. And the offices themselves were in alphabetical order.

Question. So GSA people would come before OMB people, is that what you mean?

Answer. Right.

Question. Okay. And then you had—did you have—was it broken down with Office of Administration as one category?

Answer. Yes.

Question. And then I guess White House Office would be a category?

Answer. Right.

Question. Okay. And did you deal—what did you do when you were using those lists, what types of activities?

Answer. I didn't use those lists—that list at that time.

Question. Okay. Do you know what those lists were being used for—

Answer. No.

Question [continuing]. Within the office, obviously?

Answer. No.

Question. Do you know what lists they were using for the update project?

Answer. Who do you mean by "they"?

Question. Well, Mr. Marceca is the only person working on it after the fall of '93.

Answer. Right.

Question. So I suppose after that point.

Answer. I saw that it was a Secret Service list. It is on very distinctive paper. I didn't look at it in detail, so I couldn't tell you what—which format this list was in.

Question. Can you just describe the paper that made it distinctive being a Secret Service list?

Answer. Sure. It's the kind that—it's large and white and green. It's kind of the older printer paper.

Question. From a computer?

Answer. Yes.

Question. Okay. Did the other lists, the temporary pass-holder lists, arrive on the same kind of paper?

Answer. Yes.

Question. Okay. Do you know of any other lists that came from FBI or anyone else that arrived on that green and white paper, other than Secret Service lists?

Answer. Only Secret Service lists.

Question. Okay. And so you know Mr. Marceca at least had the green and white paper?

Answer. Right.

Question. Do you know if Nancy Gemmell was using that kind of a list when she was working on the update project?

Answer. Yes, except her list was different format—was a different format.

Question. Can you just describe how it was a different format?

Answer. Than the ones that I have described? I don't know what Tony's format was. Hers was pass-holder in alphabetical order, with, as far as I could tell, that I can recall, without regard to office. And it had different information on there than the ones that I usually looked at.

Question. Okay. Had you ever seen that kind of a list before?

Answer. No.

Question. Or used it?

Answer. No.

Question. Okay. Was it a bigger list than the others, as you recall?

Answer. Yes. I didn't look at it in too much detail while Nancy was still there. It was much later that I looked at the lists that she had been working off of.

Question. Okay.

Ms. OLSON. Dave, if you have questions—if you have any questions, I want to give you some time.

Mr. SCHOOLER. You could still go on for a while. I will wait until my time. You are doing fine.

EXAMINATION BY MS. OLSON:

Question. Okay.

When did Mr. Marceca leave that office?

Answer. As far as I can recall, it was in February—February is sticking out but February of 1994.

Question. Okay, do you know why he left?

Answer. His detail was over.

Question. Do you know if there had been any attempts to redetail him to the office?

Answer. I don't know. There was talk of it, but I'm not—I wasn't involved in it.

Question. Okay. During the period of time that he was there, can you describe his relationship with Craig Livingstone?

Answer. Friendly. We were—Tony is a friendly guy.

Question. I mean, was it any different from anyone else's relationship with Craig Livingstone, that you noticed?

Answer. From anyone else's relationship with Craig?

Question. A working relationship, yes.

Answer. No. We were all friendly with Craig and Tony.

Question. Did Mr. Marceca ever describe any of his background with Craig Livingstone to you or to anyone else, to your knowledge?

Answer. Not that I'm aware of.

Question. Do you have any knowledge of any prior friendship between Mr. Marceca and Mr. Livingstone?

Answer. I knew they had worked together at some point beforehand and that they knew each other. I don't know—I didn't know the extent of the friendship or the relationship, no.

Question. Did you know where they had worked together?

Answer. I believe Craig told me they worked on the Hart campaign together.

Question. Did Mr. Livingstone ever tell you what he did on the Hart campaign?

Answer. I can't remember exactly what he said. I came away with thinking he did Advance.

Question. Did you have any idea what Mr. Marceca did on the Hart campaign?

Answer. No.

Question. Do you know if he was still attached to his unit, the same unit in the Army at that time?

Answer. No. I don't know. At what time? At the Hart campaign?

Question. When he was working on the Hart campaign?

Answer. Right. No, I don't know.

Question. Did Mr. Livingstone or Mr. Marceca ever discuss them working together during the Clinton Inauguration?

Answer. No.

Question. Did Mr. Marceca ever describe any of his other political background or do you have any knowledge from him or anyone else of his other political background?

Answer. I remember once he told me he worked on John Kennedy's campaign.

Question. And what did he say he had done on that campaign?

Answer. I am just trying to remember.

Question. This is President Kennedy; am I correct?

Answer. Right. I don't remember. I think it was just volunteer campaign work. I can't recall exactly. It wasn't a too in-depth conversation.

Question. Did he mention any other campaigns that he had worked on?

Answer. Not that I recall.

Question. Did you ever meet any other individuals that either he or Craig had worked with during other campaigns?

Answer. Not that I remember.

Question. Did there come a time before Mr. Marceca left that there was discussion about problems with the Update Project?

Answer. I am sorry?

Question. Did there come a time where you became aware of problems Mr. Marceca was having, or Mr. Livingstone, with the Update Project?

Answer. While Tony was there?

Question. Yes.

Answer. No.

Question. When Tony left, did he hand off his work to anyone?

Answer. No.

Question. What happened with the work that was progressing on the Update Project?

Answer. As far as I could tell, it went by the wayside again.

Question. Just to be clear, it went—was not being worked on in June and August of 1993 until Mr. Marceca came?

Answer. Nancy.

Question. Just Nancy. Then it started out with Mr. Marceca in August of 1993 with some interns working on it, am I correct, after he finished—

Answer. I don't know that interns were working on it. The interns were there for general office support. We all used them. So when you asked me who else was working on it, they could have helped him do light typing or whatever he needed, but I don't know that they helped him or what they helped him with.

Question. He was working on it after he finished his 86s in the fall and perhaps interns were helping, and when he left in February it stopped again, to the best of your knowledge?

Answer. Yes.

Question. Did there come a time when you became aware of some problems with the Update Project at any time?

Answer. Yes.

Question. Can you describe what happened?

Answer. Eventually I started up the project again or looked into starting up the project again because I knew it eventually had to be completed. And I came to understand, looking through Tony's work, just trying to reconstitute what he had done and what Nancy had done, that there were problems with the Update Project.

Question. Can you describe what you discovered?

Answer. Tony had separated his files from the rest of the files, I assume for easier access for him. I looked at those stacks of files and I—the first thing I realized was that there were an awful lot of them, considering they were only A through G. And just working for the office—it had been a couple of years at least—I didn't think that there were that many holdovers.

Question. Where were these files?

Answer. In the vault, but on an empty row. It is hard to describe these machines if you have never seen one. They take up an entire wall. There are rows of bins. They are machines, so you push a button and this thing rotates around, and it is 15 rows and bins that you can put files in. His were separated from the rest of the files in just an empty row.

Question. Did pretty much all files go into these giant file cabinets?

Answer. Yes.

Question. So everything you were working on, if you wanted to put it in a file, would be in those file cabinets?

Answer. Right.

Question. Can you describe what you discovered when you saw that there were a lot more than you figured should be from A to G? Was there a list with them?

Answer. No, not that I saw.

Question. As you were trying to pick up the project, what besides the files—did you have to try to see what Mr. Marceca had done and where the project was at?

Answer. I can't recall exactly what of Tony's was left there. I know he just left stuff there that he had been working on. I cannot recall what exactly. I didn't use it, so I don't know. I can't recall exactly what was there.

Question. Was there any kind of index with the files or any list?

Answer. Not that I can remember.

Question. So when you discovered there was just this row of files, what did you do?

Answer. Right. There was this row of files; I knew they were Tony's and I knew they were the Update Project and I knew the goal of the Update Project, so I assumed too many people. I glanced at the names on the files. Then I knew that some of these files has been mistakenly ordered, or I assumed had been mistakenly—

Question. How did you know that?

Answer. Because I recognized a name that I knew did not work at the White House anymore.

Question. Do you remember what name it was?

Answer. Marlin Fitzwater.

Question. What did you do once you saw a file with Mr. Fitzwater's name on it?

Answer. I thought to myself, Tony ordered the whole list—did not figure out who was still there and who wasn't still there, and had ordered these files; and I was exasperated because I realized I would have to try and sort it out.

Question. What do you mean by he "ordered the whole list"?

Answer. Although I didn't see the list specifically that Tony worked off of, at that point I was fairly confident—I had seen other Secret Service lists, so I had a general idea of what his list looked like; and I thought to myself, he ordered—because the Secret Service list had had lots of people from the previous administration on it, I thought to myself, he didn't stop to figure out who was still here, which I had taken for granted that we would have to figure this out ourselves, who was still there.

Question. I don't want to interrupt, but I want to ask about the list. You described one list which was the temporary pass list, and the other list which is by designation of individual offices or agencies that work within the White House.

Answer. Right.

Question. What other lists are you describing by the whole list? Can you be clear?

Answer. I know it is confusing because there were several different lists that we got. That temporary pass list that I received, I had faith in, because all the temporary people were new and that is all that I asked for—that my parameters were on that list, so I knew I could work off that list accurately.

The list that we received monthly with all the pass-holders was huge, and I knew that there were names on there that I did not recognize that I thought I had to look into at some point to see who they were, why they were still on this list, and figure out if we needed to have a file on them.

Question. The monthly with all the pass-holders, is that the one divided up GSA, OMB, White House office?

Answer. Yes, exactly.

There was also Nancy's list that—she had left her stuff sitting in another corner of the vault. When I looked at her list, I realized there were pages and pages of names that I didn't recognize and knew no longer worked there. So from looking at her list, which I do recall specifically, and just from working with Secret Service and their lists, I knew there were names there that Tony had ordered that were on that list that we did not need.

Question. Was the list that you described as "Nancy's list"—were copies of that anywhere else? Did you see that in Mr. Livingstone's desk or anyone else other than where Nancy had been working?

Answer. No.

Mr. WILSON. Do you mean that particular one, or a list like that?

EXAMINATION BY MS. OLSON:

Question. You went back to that particular list to look at?

Answer. To look at, yes.

Question. Were there other lists like that around?

Answer. Yes. Well, "like that" is a relative term. In that format exactly that she had, no. But "like that," is it like a Secret Service list, like the other ones we had, yes.

Question. I mean in that format. When you made a determination that you believed Mr. Marceca must have used that list, was that because—

Answer. Well, a list like that. Not that list that Nancy had. Nancy had left all her stuff in one corner and I didn't believe that Tony had used any of that, that he had gotten a new list from Secret Service and was working on that.

This was stuff, when I was trying to figure out what I needed to do to fix and complete this project, I believe I looked through Tony's stuff, didn't find anything really useful, looked through Nancy's stuff, didn't find anything really useful, and started over.

Question. Did Tony have any lists among his things that you recall?

Answer. I can't remember.

Question. Was Marlin Fitzwater's name on the monthly list that had it divided up by agency?

Answer. Not any that I saw, that I can recall. However, Nancy's list, the first one, the oldest one we had in the office because it had sat there since Nancy left, I believe that had his name on it, but I cannot be certain.

Question. Do you have any recollection if James Baker's name was on Nancy's list?

Answer. It would be the same. I would assume that it was. However—I believe it was, but I cannot be certain. Because that list had just pages of names of previous administration employees that no longer worked at the White House.

Ms. OLSON. Do you have some questions?

EXAMINATION BY MR. SCHOOLER:

Question. I am going to try to get as good a time line as I can of the project. I apologize if I am going over old ground here.

You arrived in the office in June of 1993?

Answer. Yes.

Question. When you arrived, had Nancy begun the process of the Update Project, and if so, how did you know that?

Answer. I don't know.

Question. Do you know when she did begin? When did you first become aware that she was working on the Update Project?

Answer. It was sometime in the summer. I couldn't tell you more specifically.

Mr. WILSON. Summer of 1993?

The WITNESS. 1993, yes.

EXAMINATION BY MR. SCHOOLER:

Question. I recall you said that you thought she had sat by the wayside for a period of time or worked—

Answer. We were all working on several things. We just all were working to try and get the office up and running. So I believe I am correct in saying that when Nancy left, it fell by the wayside for a little while, until Tony got to it.

Question. You recall seeing the list that you thought that Nancy was working off of; is that correct?

Answer. Yes. Nancy was working off of, yes.

Question. It was sitting on her desk, or how do you know that that was the list she was working on?

Answer. Before Nancy left, she went through—we were relying on her to learn everything, how to do everything in the office, because as I said before, there was nothing really written down. Before she left, she told us, Mari and myself—we sat down, she told us things that needed to be done in the office and how to do them. One of those things was the Update Project. So although I didn't begin working on it until much later, when there was no else left to work on it, I knew what the goal of the project was. I knew it needed to be done. She had shown me her work papers, her work station.

Question. You later became aware that Tony was working on the Update Project as well?

Answer. Right.

Question. That was when?

Answer. Sometime in the fall of 1993.

Question. Were you aware that he was also working off of a list, like Nancy had been working off of a list?

Answer. Yes.

Question. Could it have been the same list?

Answer. I don't believe it was the same list. It was a very similar list. It was from the Secret Service, and I assume the same type of information, although as I have said, I didn't pore over his list. But I believe he just got a newer one from the Secret Service than the one that Nancy had been using; and the one that Nancy had been using sat back with her stuff that had been left.

Question. So you became convinced that he had a slightly different list, because you recall Nancy's list was still sitting on her desk?

Answer. Well, she didn't have a desk; but yes, it was sitting back where she had sat.

Question. In order for me to understand what was involved in the Update Project, can you describe to us what Nancy described were the steps to be taken to perform this job of the Update Project? What exactly did that consist of?

Answer. To the best of my—I can't remember the details that Nancy told me, but I understood the project and its purpose from her, which was, we were required as an office to have personnel security files on all employees under our jurisdiction. This included a number of previous administration employees who were career employees. When—this is what she explained to me.

When a President goes out of office, all his papers are archived and that includes every scrap of paper in the White House personnel security office. So when a new administration comes in, the White House personnel security office starts from scratch, regenerating old files of people who are still working there, asking for new copies of their investigations and such from the FBI. That is one thing that needs to be done, besides the fact that you have to process all the new people.

So once she explained that to me, I understood what the Update Project was, which was regenerating new files on people who had worked there in previous administrations by ordering those from the FBI.

Question. What did you understand was the universe of people involved in the Update Project? Did it include people who worked at the White House?

Answer. The Update Project—

Mr. WILSON. Do you mean—

EXAMINATION BY MR. SCHOOLER:

Question. Did it include people who had worked at the White House in a previous administration and continued to work there in the Clinton administration?

Mr. WILSON. Was the question, whose files were encompassed by the Update Project?

Mr. SCHOOLER. Yes.

The WITNESS. For the most part, the large majority were previous administration officials or career employees who continued to work there, who continued to hold a permanent pass to the White House complex. There were others, detailees, historically provided service, such as the National Park Service employees. Residence staff was a big portion; just throughout the complex there were people. I am trying to think of anybody else.

EXAMINATION BY MR. SCHOOLER:

Question. Would it—

Answer. Just whoever had a permanent pass for access needed security clearance through our office—who continued to work at the White House in some capacity, not necessarily paid by the White House, but needed a permanent pass and access to the White House.

Question. Once a file was requested for one of these individuals and it was received by you, what were you supposed to do with it?

Answer. By me or by the office?

Question. By the office. What was the next step?

Answer. What were we supposed to do or what—

Question. First, what did you understand for purposes of this Update Project the office was supposed to do when they received—

Answer. When we got a copy of their report?

Question. This FBI report.

Answer. When we sent the request to the FBI, we kept a copy of that request and with that copy made a file. So a copy of our request to the FBI would sit in the file, so a file was already made.

When that report came back from the FBI, my understanding was that the important thing to do was check the date of the last investigation that that person had. That is important because every five years someone has to be updated and a new investigation done. And to me, when I took over the project, that was where my sense of urgency came from, from having to get this over with, to figure out who was still there, who we were responsible for; because I thought—and it later turned out to be correct—that people were due for updates.

And so when we got the report, we checked the date. If they needed an update, we would contact them to fill out a new SF-86 and we would start a new investigation with the FBI and put the old reports in their files. If they were not due for an update, I would make a note when they were due for an update, and then just put the report in the file and it would go in the regular files.

Question. When Tony left, did you take on the responsibility for continuing the work on the Update Project?

Answer. Take on the responsibility—

Question. Or were you assigned the responsibility?

Answer. Assigned, no. There was no one left to do it. I did it later, started working on it because I was aware that it had to be done.

Question. Therefore, you saw that there were too many files that Tony had?

Answer. Right.

Question. Did you look through those files to find which ones fit your new list?

Answer. Yes.

Mr. WILSON. Do you mean, did she look through the files themselves or did she look at the names on the files?

Mr. SCHOOLER. The names on the files.

The WITNESS. The names on the files, yes.

EXAMINATION BY MR. SCHOOLER:

Question. What list were you working off of now?

Answer. I was basically working off a list I had figured out for myself. Through several different means, I tried to get an accurate list of who was really there and who wasn't, and created a list of my own really from several different means and pulled out the files I needed.

Question. Do you want to describe for us how you developed that list?

Answer. Sure. I would get a list from Secret Service of pass-holders and comb through it. By this time, after working in the office for a few years, I knew a lot of names, and any name I didn't recognize was a red flag to me that I needed to look into them to see if this person was still here, who this person was, if we had a file on them.

I also—that consisted of calling up the office a lot of the time and saying does this person still work here? Who is this person? Because a lot of times the Secret Service wouldn't know or would have them listed under the wrong office. Besides that, finally for some offices I would just call the supervisor of the office and say we are doing the Update Project on previous administration employees, send me a list of all the people who work in your office who worked there before; and that turned out to be the most effective way.

Most of the supervisors were themselves career employees, knew the names, knew who worked in the offices, could figure it out for me, were helpful and put together a list and would send it to me; and then I would go through the lists and see who we had files on, who we didn't, who I needed to order, things like that.

Question. Approximately how many files do you recall requesting as part of your work on the Update Project?

Mr. WILSON. You mean Lisa herself requesting?

Mr. SCHOOLER. Yes.

The WITNESS. I don't know.

EXAMINATION BY MR. SCHOOLER:

Question. Would it have been over 100?

Answer. I don't know. Probably.

Question. Would it be over 200?

Answer. I don't know. I have—I kept records that I left with the office when I left that position, that are there, that could be referred to to find out exactly how many I ordered.

Question. So I understand, when these files came in, you reviewed them to determine the date, dates for expiration?

Answer. Right.

Question. Did you have any other responsibility with respect to reviewing those files?

Answer. No, not that I felt I did. I filed them.

Question. Did you read the files for other reasons?

Answer. The ones I received—

Question. Did you read the files?

Answer. For the most part, no. No.

Question. What do you mean by "for the most part"?

Answer. Well, the date of the investigation is at the top of the first page where there are words written, so I mean, I am sure I glanced at the page, but I was not reading them for content. I was reading them for the date.

Question. Now, when you determined that—let me step back.

Were you able to determine whether Nancy had ordered any files for purposes of the Update Project?

Answer. I don't know. I believe so, because Tony kept his separate, and once I found out who I needed to have, which I found out on my own, I would check to see if we had a file on them. Sometimes it would be in Tony's pile, so I knew Tony had ordered it. But sometimes it would be in the regular files, and so I could only assume that Nancy had at some point ordered them, if we had it.

I had mentioned before at this work station of Nancy's that she had left all her stuff sitting there. Not only was it a list, but it was stacks, this high, of these forms that we fill out requesting previous reports; and it looked like, to me—what I could figure out was that these sitting there she had not sent yet to the FBI. They were just originals that she had typed up from this list that was sitting there, and labels.

She did everything in a very strict, in her mind, order, and it looked like she had typed up these sheets for some people on the list. She didn't get anywhere near through the whole list, but had typed up names of people on that list and typed up the file labels that corresponded with those sheets that would later go into folders, but hadn't gotten to the point yet, for this particular group, of sending them and actually making the file.

So to answer your question, from what I ascertain after the fact, she had ordered—to my knowledge she had—to my belief, she had ordered some files, not to my direct knowledge.

Question. It has been reported that Tony's files that he ordered were A through G.

Answer. Yes.

Question. Do you recall that as being accurate?

Answer. Yes.

Question. Did you notice any pattern with respect to the other files you found that had been ordered, perhaps by Nancy Gemmell, as to a pattern?

Answer. No.

Question. When you found—

Answer. Actually, let me clarify that.

When I would find a file that we already had on someone we needed in the files, I couldn't ascertain a pattern from that. The typed up stacks of typed-up forms requesting previous reports that, from what I could figure out, she had not sent yet, these were the originals sitting there neatly stacked; they were all in alphabetical order. It looked like they corresponded with this list that was in alphabetical order, also.

Question. Did you review the stack of requests that were sitting on the desk to determine if you wanted to send any of those off to the FBI?

Answer. Yes, I did look at them. There were so many of them that I did not recognize their names, that I knew that that was hopelessly outdated, and I started from scratch.

Question. Was it your belief that many of the names on those sheets of paper were people who no longer worked for the administration?

Answer. Yes.

Question. When you determined that Tony had ordered too many files, do you recall telling anybody this?

Answer. I believe I mentioned it to Craig Livingstone, and I may have mentioned it to Ed Hughes, who works in the office, who came to work in the office later and I believe still works there.

Question. Do you remember anything at all about the nature—what actually was said during those conversations?

Answer. I can only speak generally, because it wasn't a particularly memorable incident. I mentioned—once I finally had time to start working on the Update Project and get it started again, and realized that Tony had ordered these extra files that we didn't need, I know that I mentioned it to Craig. I said something like, "Tony ordered all these extra files, what a pain," or something like that, and I don't remember his reaction.

Honestly, I don't think there was one. He said just, "Oh, Tony," something.

Question. What do you remember happening to those extra files that had been ordered? Anything?

Answer. What happened to those extra files? Well, the extra files that had been ordered, the ones we didn't need, were mixed in with the ones we did need. I kept them separated while I tried to figure out over a long period of time whose we did needed and whose we didn't. Once I had, to my satisfaction, thought that I had taken out all the files that we did need, I archived the rest.

Question. And what does it mean when you say you "archived the rest"?

Answer. Put them in boxes, typed up a list of all the names that we were putting in the positions, took the list and the boxes to Records Management which was right next door, which is where we—Nancy, like I said before, had briefly tried to explain to me before her impending departure how to do everything, and it was my understanding that all paperwork that we didn't need anymore that we wanted to put in storage, it all had to go to Records Management.

Question. When you say you developed an archive list for these boxes, was there a list of names of files which you did not believe were important for your personnel files?

Answer. Right. It later turned out not to be entirely the case. I would find out, oh, yes, this person does still work here. This name would pop up somewhere, and I would say, who is this person; and I would find out they still had a legitimate need for a permanent pass and had a permanent pass and were coming to the White House regularly, and we didn't have a file on them. When that name popped up, I would look at my list that I had archived to see if I had mistakenly archived it, thinking I didn't need it.

There were several occasions where that was the case, and I would go back to Records Management and say, I need one of those files.

Question. I would like to return to the stack of request forms on Nancy's desk. Did you say you did not notice any pattern with respect to those names? Were they alphabetized, or by office, or any kind of grouping?

Answer. The forms left sitting in her work station that were not in any file yet were all in alphabetical order.

Question. A to Z?

Answer. She didn't get all the way through the alphabet. As far as I can remember, it was only a few letters, and I can't remember which ones. For each letter, like she would have lengthwise like this, stacked on top of each other, her letters, and she didn't get through many letters, and there were just hundreds of them for each letter that she did have.

Question. Is it at all possible that Tony could have taken any of those request forms from her desk and sent them in to the FBI?

Ms. OLSON. I am going to object to that question. Anything is possible. If you want to ask if she knows if that happened.

EXAMINATION BY MR. SCHOOLER:

Question. Do you know whether he took any of the preprinted forms from Nancy's desk and submitted those to the FBI or not? Do you know?

Answer. Know for a fact, no.

Ms. OLSON. We will take a break, and I will start back up.

[Recess.]

EXAMINATION BY MR. SCHOOLER:

Question. I want to be clear that the person who instructed the staff on the procedures for the update file was Nancy Gemmell. Is that correct?

Answer. Yes.

Question. Did Nancy Gemmell ever instruct the staff concerning how to go about updating the Secret Service list to keep it timely and accurate?

Answer. No.

Question. And you found what you believed to be requests by Ms. Gemmell that had not been sent with the names of individuals who no longer served with the Clinton administration?

Answer. Yes.

Question. Did Ms. Gemmell ever suggest that certain people in the office should be required to sign off on any request made to the FBI for the Update Project?

Did she suggest that the head of the office or that Mr. Nussbaum or anybody else should first approve any request that was made to the FBI for updated files?

Answer. No.

Question. Did she indicate that anybody in the office had the authority to send one of these typewritten requests to the FBI?

Answer. I am sorry—

Question. Did she suggest to you or to anybody else—

Answer. Somebody special in the office?

Question. That somebody special in the office should first sign off on any request that was made to the FBI?

Answer. No.

Mr. SCHOOLER. That is all my questions.

EXAMINATION BY MS. OLSON:

Question. I think I had stopped when you said you had discovered the Fitzwater file. You went back and looked and found the Nancy Gemmell Secret Service file. What did you do with this information once you saw that there were some files from prior administrations?

Answer. Whose information?

Question. This information you discovered in Mr. Marceca's files.

Mr. WILSON. Your question seemed to encompass also the materials she found that Nancy Gemmell had left.

Ms. OLSON. She stated that once she found Marlin Fitzwater's file, recognized it, you looked for lists.

EXAMINATION BY MS. OLSON:

Question. At any point did you alert anyone else of what you had discovered?

Answer. I saw Marlin Fitzwater's file. I saw his name, and the sheer number of the files that there were A through G, I deduced from that that there were, you know, several, at least, files there that we did not need; they were not current employees.

That is when I thought—then I looked through some of Tony's stuff to see what he had done. I can't remember exactly what his list looked like.

Then I looked through Nancy's stuff to see what she had done. I found them both pretty much useless and started from scratch, trying to figure out who had worked there.

Question. Did you inform anyone that you had found Marlin Fitzwater and others' files?

Answer. I told Craig Livingstone that I believed Tony had ordered files we didn't need and may have said we have—Marlin Fitzwater's file is there. I said, "Craig, Tony ordered all these files of previous administration people that we don't need."

Question. What was his reaction?

Answer. I don't remember because there wasn't any kind of strong reaction or any instructions or anything that I can recall.

Question. Did he instruct you to do anything?

Answer. No. With those files or in general?

Question. With those files.

Answer. No.

Question. Did he act like he knew about them and give you any indication that he knew about them?

Answer. Honestly, I cannot remember his reaction. He didn't seem concerned, and I didn't feel that it was—you know, I wasn't overly concerned; I was more frustrated.

Question. Did he go and look at them to check out what you had just told him?

Answer. No; I don't think so.

Question. Do you know why those files were separate from all the other files, on their own row?

Mr. WILSON. Wait. So we are clear, what do you mean by "those files"?

Ms. OLSON. Mr. Marceca's files that had the "Marlin Fitzwater" name along with other Bush administration individuals.

Mr. WILSON. So we are clear, I think what she has testified to is that those files also included a number of files for people who were current Clinton administration—who were employed in the Clinton administration. Is that clear on the record?

Ms. OLSON. No. Let's make it clear.

EXAMINATION BY MS. OLSON:

Question. What do you mean by "number of files in the current Clinton"—was it half and half?

Answer. No. What was separate was, rows 1 through 15 in the file machine were all of the files that we had on people, you know, that were up to date and that—our working files; put it that way.

The row after row 15 was separate. That was Tony's stuff, Tony's project. We called it Tony's row.

Within that row, after he left, I looked at this row, trying to figure out what he had done, had gotten accomplished, and it was files A through G.

Within A through G were files of people we needed, previous administration employees who still worked there, that we would need their file then.

I believe that is what you were trying to clear up. There were files we needed and files we didn't need in that group A through G.

Question. Do you know what relationship with files you needed and didn't need that were within Tony's row?

Mr. WILSON. You mean the ratio of needed to not needed?

Ms. OLSON. Yes.

The WITNESS. At that time, no. It took me months to figure out who was still there and who wasn't. There was a greater proportion of people we did not need anymore.

EXAMINATION BY MS. OLSON:

Question. When you first discovered the Fitzwater and other files, when was that? Do you remember what month?

Answer. I can't remember exactly what month I started working on it.

Question. It was after February of '94, I take it?

Answer. It was after the fall of '94, way after Tony had left.

Question. After you discovered the files, how long did they stay there before you boxed them up?

Answer. I can only estimate. I started—when I was promoted to executive assistant is when I, you know, felt I could start this project on my own and get it over with, because I knew it had to be done. That was in the fall of '94. So sometime after the fall of '94 I started looking into this project and trying to finish it.

Tony's row, after I started, it was there for at least a few months—I can't be sure—while I tried to figure out which of those files we still needed to keep.

Question. So Mr. Marceca leaves in February of '94, and is it your statement that you then started to pick up the project after the fall of '94?

Answer. Tony left in February of '94. To my knowledge, those files sat there with nobody looking at them or doing anything with them until I started the project again, I mean almost a year later, at least 10 months.

Question. Sometime after the fall of '94; is that correct?

Answer. Right. Sometime after I was promoted.

Question. And you discovered Tony's row shortly after you started the project?

Answer. What do you mean by "discovered Tony's row"? I always knew it was there.

Question. Looked at Tony's row and discovered those names were there shortly after the fall of 1994 when you started the project?

Answer. Yes.

Question. And they stayed there for a few months. Do you know if it went into '95?

Answer. Oh, yes.

Ms. OLSON. I will make this document Deposition Exhibit Number 2.
[Wetzl Deposition Exhibit No. 2 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. Will you look at this and see if you have ever seen this before? It is an un-Bates stamped document that has several lists, beginning with the statement, "This has box 1," and then goes into a list of documents with handwriting on it.

Answer. Do I recognize the list?

Question. Yes.

Answer. Yes; without the handwriting.

Question. Can you tell me what you recognize about it and what handwriting you don't recognize having seen?

Answer. These are the lists that I would have—I would either personally put together or have the interns put together of things we were archiving to Records Management, and we would keep a copy and give one to Records Management.

And you asked what I didn't recognize on here—all this stuff. I know who Terry Good is, but this writing here is not ours, and this at the top, "White House Security Office," is not ours. Box 1 may be ours, but I am not sure.

Question. So when you delivered the first page of Deposition Exhibit 2, it would have "box 1" with the typing?

Answer. Right.

Question. Did you actually deliver it to Records Management, the boxes?

Answer. They were right next door to us. I either did it—I either walked over with an intern or—I mean, I had archived a few things besides this, and so it was either I who—I don't think I physically carried it, I think I made an intern physically carry it over, but I either went with them or told them where to go.

Question. The handwriting that you said that you didn't recognize on this piece of paper says, "Received in ORM by Terry Good on 12-1-94."

Do you recall, when it was carried over there, if there were notations made when it was received or other archiving that they regularly made notations that they had received it and dates?

Answer. That they received it, did Records Management make a mark on there? I don't know?

Can I point out one thing? These are two different lists for different archives.

Question. Okay. Because we received it together.

I would go to page 2. Below that it says, "Enclosure filed, oversize attachments," and then has a line with "CF 159" stamped on the same first page of Deposition Exhibit 2. Do you know what that is?

Answer. No.

Question. Have you ever seen that on any other lists that you have turned over to archives?

Answer. I didn't see the lists after I turned them over to Records Management, so no.

Question. Do you recognize this type of markings from any other list that might have been turned over at another time as being some sort of regular markings on these?

Answer. I never saw the list after I gave it to them, so no.

Question. Under the stamp of enclosures, it says, "One box filed 12-2-94." Do you have any recollection if the date that you sent it over to Records Management was 12-01 or 12-02-94?

Answer. It easily could have been.

Question. You don't have a recollection of the exact date?

Answer. I know I archived this stuff before I archived the other ones.

Question. So all the items that are listed on this first page with box 1, does that mean they are within one box, these documents, or—

Answer. Yes, I believe so. These are all old office paperwork basically that I didn't feel comfortable just throwing away, but we had no use for them, and they were taking up space. So I filled up a box with as much stuff as I could fill, and had an intern make a list of pretty much what I was putting in there, and archived it.

Question. The first thing on there is a master—United States Secret Service master list, 93, volume 1. Do you know if that was one of the lists that you were looking at?

Answer. I can't remember, because there were different access lists that they would give us. The Secret Service gave us a different list. Every week I received an access list from Secret Service on who was on access. That is different from who has a pass.

Question. It is a temporary, like if I had lunch with you?

Answer. Right. So that could have been that, or it could have been the other larger list of all pass-holders.

Question. Page 2 of this exhibit, does it have any relation to page 1, to the best of your knowledge?

Answer. They are both archived lists, and that is it.

Question. Do you think it was within box 1 or had relation to what is listed on page 1?

Answer. No, I don't think it has. I don't think it was from the same time period, and I don't think that those boxes were related.

Question. Can you tell me what page 2 of this deposition exhibit is?

Answer. Well, what I believe it is is the files I archived that were left over after I figured out which ones we needed from Tony's pile.

Question. Which was a few months after the fall of '94, as best you are able to pinpoint it in time?

Answer. Whenever I started working on it—fall, winter, a few months after that—I am not sure. Whenever I finally figured out who I needed and who I didn't need.

Question. Did you type up this list?

Answer. I either typed it up myself or had somebody type it, an intern.

Question. Did you show it to Craig Livingstone?

Answer. I don't remember.

Question. On the first page is a name that is either inserted in between, and it is "Patricia Ann Barnett, 3-31-87." Do you know whose handwriting that is?

Answer. No.

Question. It is not your handwriting, I take it then?

Answer. No.

Question. Did you ever ask anyone to write that into the list?

Answer. Not that I can recall.

Question. What happened with this list, after you typed it up, of the Tony files that were improperly or were not needed by your office?

Answer. What happened to the list?

Question. Yes.

Answer. One went to Records Management with the files, and one stayed in our office.

Question. Where in your office?

Answer. Some shelves I had next to my desk. I had them in a clip binder. It sat there with the list of all the other things I had archived.

Question. On the third page of the exhibit but the second page of this list are check marks. Did you check them off as you put the files in, or did you put in the check marks that are on this list?

Answer. I don't believe those check marks are ours. I don't recall.

Mr. WILSON. When you say "ours"—

The WITNESS. White House Personnel Security's check marks.

EXAMINATION BY MS. OLSON:

Question. On the next page there is a crossed-out name saying "Gloria Jean C-H-O-N-K-A," and then it has your name written beside it, "Lisa Wetzl, 7-20-95." Do you recognize that handwriting?

Answer. I don't recognize the handwriting.

Question. Do you have any idea why your name was written there?

Answer. I assume that is whoever worked in Records Management handwriting. That is one of the people I archived who I found out later still worked there. So I went back and got the file from Records Management. I assume it was around that date and they put out my name and that date.

Question. And the date being 7-20-95?

Answer. Right.

Question. Similarly, there is on the next page the name, L-U-E, Addie, A-D-D-I-E, Culbreath, C-U-L-B-R-E-A-T-H, with your name, 2-3-95. Is that another name that you pulled the file?

Answer. Yes. That person still works there or did still work there when I left, to my knowledge. The date seems a little early to me, but I could be wrong. I may have been doing it that early.

Question. There are a couple of other names on the page with your name next to it. Do you recall pulling those files or asking Records Management to pull those files for you?

Mr. WILSON. Do you mean does she generally recall those specific names or does she generally recall pulling a number of files?

Ms. OLSON. Does she recall the other two names being requested to be brought back into the office.

The WITNESS. Janet Curtis sounds familiar. I know I asked for Hilliard Daniels.

EXAMINATION BY MS. OLSON:

Question. During these periods of 2-3-95, 3-16-95, and 2-1-95, were you working on the Project Update?

Answer. It was a continuous project. I was still finding out who was there, because nobody had an accurate list as far as I could tell.

Question. During this period, did you notice if Billy Ray Dale's name was on the list?

Answer. That name did not stand out to me.

Question. Were you aware at that time of any of the prosecutions or investigations that were being conducted concerning Mr. Dale?

Answer. Not concerning Mr. Dale specifically by name. I knew, of course, about the Travel Office stuff, but I didn't know—I didn't recognize his name. I knew the director of the Travel Office, and it was only much later that I found out his name specifically.

Question. Were you aware of the investigations during this period going on concerning Harry Thomason and, I think, Darnell Martens?

Answer. Which investigation—I knew the whole Whitewater thing and that their names had come into it, and newspaper articles, and things like that, but anything further than that I didn't really know too much, no.

Question. Did Mr. Livingstone ever ask you any questions or make any mention about Billy Dale's name being on the list or discuss that with you?

Answer. No.

Mr. WILSON. I don't think we have established that Craig even saw these lists.

Ms. OLSON. I didn't presume he did. I just asked if he ever discussed it with her.

The WITNESS. I was about to say the same thing. I don't think Craig ever looked at that list. But no, he never asked me about Billy Dale's file.

EXAMINATION BY MS. OLSON:

Question. On the following page is another name with yours that went out on 7-14-94. Do you recognize that name as having been pulled?

Answer. Which name are you asking me if I recognize?

Question. Philip D-R-O-H-E.

Answer. Yes. I found out he still worked there in some capacity. He had a permanent pass.

Question. And the same thing on 7-20-95. Your name is written down with that date beside Madeline Evans. Do you recall asking Records Management to pull her file back out?

Answer. The name—I recognize the name. I got to know these names very well through this whole thing. I don't specifically recall going to Records Management and asking for her name, but I know I did in general ask for several.

EXAMINATION BY MS. OLSON:

Question. At the bottom of this entire list, it says, "Update project as of 1-94," and with a hyphen in the name, "Marceca."

Did you type that or have that typed on the list?

Answer. Yes.

Question. Why?

Answer. It describes what that is, what that list really is. It's how far Tony got in the update project by January of 1994.

Question. But I thought he didn't leave until mid-February. Did he stop in January?

Answer. I don't know that. I was estimating when I said, "Update project as of 1-94," so at the time I thought January, I guess, that he had left.

Question. Was there any kind of document similar to the document that's on page 1 of Deposition Exhibit 2 that was created for this update project list?

Answer. I am sorry. Repeat the question.

Question. Was a document similar to the first page of Deposition Exhibit No. 2 created for the update project boxes?

Answer. That's it. That's this list. This was taped—given——

Question. The entire list was taped on the outside?

Answer. Yes, and given to Records Management.

Question. How many boxes were sent over?

Answer. I can't remember. I really can't.

Question. Do you know if it was four?

Answer. I know that it had to be more than one.

Question. Okay.

Answer. Because there were so many files. But honestly I can't remember the number.

Question. Do you know if you sent over any other material at the same time to Records Management?

Answer. I don't know.

Mr. WILSON. You mean in those same boxes?

Ms. OLSON. Well, or other boxes.

EXAMINATION BY MS. OLSON:

Question. If you just delivered those two boxes to Records Management, or perhaps you delivered those two boxes with other materials, too, in boxes?

Answer. I don't remember. I think I probably did it separately, because, you know, one thing at a time, but I don't remember.

Question. When you noticed Nancy Gemmell's stacks of unsent-in memoranda to the FBI liaison for background files, were they all out-of-date people, or were they mixed with some current people?

Answer. I can only assume that they were mixed with some current people. I will tell you why I ended up throwing them all in a burn bag was, number one, I thought it was just easier to just start from scratch and do it myself. Number two, the form she was using was outdated because whoever had White House counsel on the top when she had typed these up was no longer White House counsel. So I am not even sure—I am pretty sure I know that the FBI wouldn't have even accepted them anymore, because it was new White House counsel in the position at that time than when she had typed those up.

Question. So Bernie Nussbaum, who had been there from the beginning, you believed, it now was Lloyd Cutler; do you recall?

Answer. When I started doing the update project?

Question. Yes.

Answer. It was either Lloyd Cutler or Abner Mikva.

Question. Okay.

Answer. I mean, we changed those forms a couple of times as new counsels came in.

Question. I have a document that I am going to mark as Deposition Exhibit 3. It is Bates stamped number 43641. It is a memorandum with Bernard Nussbaum's name on it that says, to FBI, liaison; the subject's name is Billy Ray Dale; requesting a copy of a previous report for accession.

[Wetz] Deposition Exhibit No. 3 was marked for identification.].

EXAMINATION BY MS. OLSON:

Question. I was going to ask you at the bottom of this page, where it says "access," there's an "S." Do you know what that means?

Answer. That was some code that Tony had to help him—it meant what—like what group of people they were in. But I don't know what the "S" specifically stood for. I didn't use it later.

Question. Do you know if it was used before Tony came in, these codes?

Answer. I believe they were. I think somebody told—he didn't make up those codes, internal codes, by himself. I think they were there from before. I think Nancy had told him which code stood for which office. But I didn't use them later because it was an internal code, and I knew I didn't have to, so I didn't.

Question. Did you ever learn there was also some with a "G" on them?

Answer. Right.

Question. What does a "G" stand for?

Answer. "G," I remember what that stood for; GSA employees.

Question. And there were some with an "I" next to "access." Do you remember what that stood for?

Answer. Some with an "I" for—next to "access" with—marked copy of previous reports?

Question. Yes.

Answer. Then no, I wouldn't know.

Question. I am sorry. Not marked with copy of previous report. I believe they were with "name check."

Answer. If they were with "name check," then they were with interns.

Question. Okay.

Answer. But I do not believe—if “I” means “intern” then there are no cases where on this form it says, “Access, I, copy of previous report.”

Question. Right, it would be name check. An “I” is for intern and “G” is GSA, and I think there was a C?

Answer. “C” also would not—unless they were—what “C” stood for was volunteers. So there were some people, volunteers, who had worked there in previous administrations as volunteers, and so we ordered their files, whatever the FBI would have on them. But there weren’t that many. Mostly, “C” was also name check only.

Question. Okay. So you knew—I think those are the end of the codes that we have discovered. But you didn’t know what—for what an “S” was, which was on Billy Dale’s?

Answer. I think that there were more codes than that.

Question. Okay.

Answer. First of all. Second of all, I could guess that “S” meant staff, but I don’t want to.

Question. No.

Answer. You know.

Question. And you believe that that was in place before Tony began?

Answer. Yes, because—well, yes.

Question. Okay. When you were describing Nancy Gemmell’s out-of-date lists, this is the same person who trained everyone there, right?

Answer. Right.

Question. And as far as you remember, there was a stack of these out-of-date forms just like we have got for Deposition Exhibit No. 3, that the person who trained you had stacks of out-of-date forms. Do you know how long Nancy Gemmell had been there at the White House working?

Answer. From what I can remember, what she told me was that she had been working, I believe, since—for the Executive Office of the President since the Nixon administration and had been working particularly in that office at least 10 years, I think, in White House personnel security, if not more.

Question. Did you ever speak with her again and ask her why this person who had been there so long would have just stacks of out-of-date forms that she had filled out for a previous report?

Answer. If I had spoken to her again, I wouldn’t have asked her that because I thought I knew why she had it.

Question. Why was that?

Answer. Because she was going off this list of Secret Service that was next to all of these forms. She—

Question. You didn’t find that surprising that someone who had been there since the Nixon Administration wouldn’t know who out-of-date staff people were?

Answer. How do I answer that?

Knowing Nancy, no.

Question. Well, I mean, I really want what your thoughts are.

Answer. I’m not insulting her, like, intelligence or anything like that. I don’t know how to put this.

Question. We do need your thoughts. You are the one who worked with these people. I didn’t.

Answer. Right.

Question. I find it a question I have to ask because this is a woman who has been there since Nixon.

Answer. Right.

Question. Who had done a huge amount of “pointless work” that someone like you walked in as an intern, worked your way up in less than a year, knew it was wrong, and figured out a system to stop the problems.

Answer. Right.

Question. So why in the world is someone doing this, based upon your experience working with her?

Answer. Why? I don’t know. But it—the forms she had typed up corresponded to this list that she had, and I just—I mean, I never asked her. I never spoke to her again. I just knew it was wrong.

Question. Did you ever have any other indication that she wouldn’t recognize out-of-date employees in the White House?

Mr. WILSON. Wait a minute. Your question is—

The WITNESS. I don’t know.

Mr. WILSON. Wait. Your question assumes that she didn’t recognize out-of-date employees. She may have recognized them and typed up the form for some other reason. We are all speculating here.

Ms. OLSON. We are. And that's why I asked if she had talked to Nancy, and she said knowing Nancy, she wouldn't have even asked her.

EXAMINATION BY MS. OLSON:

Question. I am trying to figure out why wouldn't you have asked Nancy what happened, and why she was typing up out-of-date—or why someone had typed up out-of-date forms?

Answer. Well, I would—well, I wouldn't have asked her that if I had ever spoken to her again. And that's what I was going to—when he jumped in there, that's what I was going to say, too. I don't know that she didn't recognize names. I can only assume that she did, having worked there so long, and I knew a lot of names, having worked there a lot less time than she did. I don't know why she did—she typed up all of those names. All I know is that they corresponded to this list that she had sitting there, too, that had pages and pages of names I didn't recognize.

Question. During the period from June of '93 on, you were discussing the backlog of Form 86, and I guess it got—it was caught up and up-to-date with just the new materials coming in. Did you ever hear any discussions with Ms. Gemmell or anyone else in the office as to why they were diverting time, namely Mr. Marceca's time, to look at holdover backgrounds, to obtain holdover previous background reports when you were so busy trying to get the new administration background reports?

Answer. Nancy—when Nancy was still there, Tony was not working on the update project. He was working on getting all the new people cleared with the rest of us. Nancy, from what I can tell, on—I can only assume it was—well, I can't say—I shouldn't say that, but I was going to say that I can only assume it was out of boredom she would switch from one thing to another. But she worked on several different things at once. She worked on the update project while she was there. After she left, and even a little while after that, is when Tony started working on the update project. So there were no conversations with Nancy and Tony—

Question. But I mean Nancy—

Answer [continuing]. About it.

Question [continuing]. Was working on it while you still had a backlog—

Answer. Yes.

Question [continuing]. Of Form 86s for new people—

Answer. Right.

Question [continuing]. With no security checks whatsoever, and Nancy is working on just to get previous reports sent over?

Answer. She was not—

Question. Was there any discussion of why she was doing that or why that became a priority?

Answer. She was not just working on those previous reports. She was working on everything, as I said. She worked on SF-86s with us—you know, helped me when I was doing it for a while, before Tony came. She made—typed up file labels all day long like the rest of us did. She worked on all other kinds of paperwork. She also, in addition to all of that, worked on the update project.

Question. Were any of these projects ever given priorities in the office during the period of June to the end of the year?

Answer. Did I feel there was a priority, a priority in the office?

Question. Yes.

Answer. At that time was to get files made, to have homes for this paperwork that was in big stacks all over the office.

Question. And by "files made for the paperwork," are you—what kind of files for what kind of paperwork? Are you talking about the new background checks or the holdover?

Answer. At the time I didn't know. I just was making files for names on paperwork that I would go through stacks, type up labels, put the paperwork in them, and put them in the file—I mean in the machine.

Question. So that was a priority?

Answer. That was my understanding was a priority, yes.

Question. You, I think, made a statement earlier that when the administration began, your understanding was that there were no files at all; is that true?

Answer. I wasn't there when the administration began, but that was my understanding, yes, that all Presidential papers are archived, every scrap of paper in the office was gone, because I—later, when I was trying to do this update project, you know, I can't remember who I questioned, but I questioned why we just didn't have a list of who had stayed, you know, when the old administration went out and the new one was coming in because life would have been so much easier. And I can't

remember who I asked this of, but the answer that came back to me was we weren't even allowed to keep a list. Everything was archived when the old administration went out.

Question. Did anyone ever tell you that Office of Administration had all the personnel files of the holdovers?

Mr. WILSON. Wait a minute.

The WITNESS. Personnel files?

EXAMINATION BY MS. OLSON:

Question. Yes. I am not talking about background files. I am talking about personnel files.

Answer. I know nothing about personnel files.

Question. Well, these are the personnel files that had been in your—that had been in an office of personnel security.

Answer. There's a difference between personnel files and personnel security files.

Question. Uh-huh.

Answer. Personnel files, I am assuming you are talking about paperwork they fill out when they first come to work besides security, you know, like pay and things like that, tax forms and things like that. I don't know anything about those personnel forms.

Question. Did you—

Answer. Security forms, I know something about.

Question. Did you—

Answer. I mean files, security files.

Question. I am sorry. Did you ever contact the Office of Administration to see if they had any lists of the holdover people from their lists of personnel files?

Answer. This is my understanding: Chuck Easley was the security officer for the Executive Office of the President. Under his jurisdiction were separate—were offices like OA, Office of Administration; OMB, Office of Management and Budget; those types of offices. It was my understanding from working with him, from working in the office, that he did not—that those did not go out with the Presidential papers; that those people—but those people fell under his jurisdiction. He was responsible for their security updates and their security files. Our—the files we were responsible for were different people. They would not—as far as I knew anyway, they would not have a list of the people who stayed over, who we were responsible for.

Question. Which would include the GSA and the OMB people; is that true?

Answer. OMB falls under Chuck Easley. GSA falls under us.

Question. And how about the White House office?

Answer. Falls under us.

Question. And the Office of Administration?

Answer. Falls under Chuck.

Question. Billy Dale was in the Travel Office. Are you aware what division he falls under?

Answer. There's always confusion about—the best I can ascertain, he was considered White House staff, not Office of Administration staff.

Question. Who told you that?

Answer. I don't remember. It's—and it wasn't particularly him that somebody told me that. It's the employees of the Travel Office that I know we take care of.

Question. Do you know who told you that?

Answer. No. I can't remember. I just knew we were responsible for the Travel Office people. They were considered White House employees as far as I knew, not Office of Administration employees.

Question. Did you get background files on the current Travel Office people while you were there working?

Answer. Yes.

Question. And that was because they were considered to be in the White House office?

Answer. Yes, as far as I knew, yes. And there were divisions within that office. Some of them were contractors; some of them weren't. It was just a matter of figuring out who was who.

Question. The files that you put away—did you ever determine whether they were strictly from the White House office or whether they were from other offices, such as GSA? The files you put away—I am referring to the Tony's files.

Answer. Right. I'm thinking. From what I can remember, that particular group, they were all orange files. Orange meant—generally, orange meant White House staff. Well, actually, I shouldn't—like I said, orange generally meant White House

staff or others, certain others. GSA, and particularly you asked about, had blue files. There were no blue files in that group.

Question. Okay.

Answer. So what I assumed, from what I had noticed, you know, from Tony working and then—you know, remembering from what Tony was working on and then later figuring out, was that Tony had gone by the office and had gotten through the GSA people, and this group that was separate was solely the big portion of the bulk of people, which is White House staff.

Question. The White House office, which includes chief of staff and other individuals?

Answer. Yes, but there's—there may have been others in there. I recall that they were all orange, and I am telling you that orange is not only White House staff, there's some other pockets of people.

Question. Now, you said that you determined that Tony must have been going through a list that just had White House office on it with the other people; is that correct? Is that what you just said, because he had only orange files?

Answer. What I—this is not direct knowledge. This is what I figured out after the fact.

Question. Okay.

Answer. Was that he—whatever list, you know, the Secret Service list he was working from had been by office, he had gone through by office and tried to—and ordered files by office. And from what I understood—

Question. No, by a office, from his file?

Answer. I am sorry?

Question. He had only files by a office, an orange file office, which was the White House office, correct?

Answer. No. He had completed other offices before.

Question. How do you know that?

Answer. Because I went through—rethrough all of those, too, as part of the update project, and we had most of the files of the people we needed.

Question. How do you know Nancy Gemmell didn't do GSA?

Answer. I don't.

Question. You don't know whether Tony did GSA or Nancy did? You don't know whether Tony just did orange files or Nancy did other ones?

Answer. Well, no, I remember—

Question. Is that true, or do you have any reason to believe that Tony actually did GSA?

Answer. Do I have any reason to believe?

Question. Yes.

Answer. Yes.

Question. Why?

Answer. My reason to believe is we all worked in the same office very closely together, and he worked with the people at—I remember him meeting with the people who were our contacts in those offices; GSA, AT&T. I remember him regularly contacting those people and—

Question. What for?

Answer. To get their paperwork. If somebody—if he had ascertained someone was due for an update in that office, which I believe he could only ascertain by ordering the report.

Question. But he was only getting background—or previous reports. Why was he calling people in GSA to get their paperwork?

Answer. If they were due—

Mr. WILSON. Can we just slow down here? I just want to make it clear on the record that you haven't established that she actually knows all of this stuff. This is what she is trying to put back together based on what she found, and your questioning is becoming a little bit confrontational and hostile, and I don't think it's appropriate.

Ms. OLSON. Okay. Well, I am sorry, but I am—this is very important, and this person is telling me facts that just don't add up, so it's frustrating because I am hearing stories that he worked from a list that was by agency, and then she is looking at Nancy's list, which is not by agency, which she previously told Mr. Schooler that she thought that's what he must have used.

The WITNESS. No.

Mr. SCHOOLER. She didn't say that.

Ms. OLSON. And then I am told that he did GSA and GSA—

The WITNESS. I never said that.

Ms. OLSON. It's very important. If she believes Tony did GSA, but she has absolutely no basis for it, then I don't want to know that. I do not want to know informa-

tion that she is guessing because that doesn't help us, and you know that. If she is guessing that Nancy did GSA, but has no reason to know, then I need to know that she just has no reason to know that.

I know there is one shelf with only orange files, and she said, well, he had already done GSA. And if she has a basis for that, I certainly would like to know that. If there is no basis for knowing he had already done GSA, then that is frustrating because I have an inaccurate record with a person under oath who is guessing, and that doesn't help any of us.

The WITNESS. Number one, I have told you several times that I don't have direct knowledge when I don't.

EXAMINATION BY MS. OLSON:

Question. Okay.

Answer. I have told you my basis for believing things, what I ascertained after the fact. So as part of the record, that should be in there.

Question. Good.

Answer. Number two, I am trying to explain to you why I had that basis for believing that Tony had gone through GSA.

Question. Okay.

Answer. Somehow. I don't know that he was complete. I don't know, you know, that he did it accurately or anything. All I know is, he did work with GSA files first and some AT&T files first because he dealt with those people, and I knew—the contacts in those offices.

Question. Based upon your knowledge of ordering a previous report, did you regularly call the agency or the GSA or unit within the EOP to discuss any information before you sent over a report like is in a memo like is in Deposition 3?

Mr. WILSON. Let's just make sure that the question is clear as to whether you are asking Lisa if what—

Ms. OLSON. Based on her knowledge.

Mr. WILSON [continuing]. What procedure she followed.

Ms. OLSON. Uh-huh.

Mr. WILSON. As opposed to what she thought Tony followed.

EXAMINATION BY MS. OLSON:

Question. Based upon your knowledge, did you ever call an agency that you were requesting copies of previous reports?

Answer. When I started the project from scratch, I went office by office and called—well, I went office by office both through the lists I got from the Secret Service, and I called my contact in each of those offices and asked for a list of their previous administration employees, and that does include GSA and AT&T.

Question. And what was the purpose of going office by office and checking up on the lists?

Answer. Making sure it was right.

Question. And is it a fact that Mr. Marceca's list was not right?

Mr. WILSON. Wait a minute. She has already testified she doesn't know what his list was.

Ms. OLSON. Okay. The results of Mr. Marceca's getting copies of previous reports was not accurate.

Mr. WILSON. You mean not accurate in terms of?

Ms. OLSON. Marlin Fitzwater's file sitting in their file cabinet in the vault.

Mr. WILSON. In other words, if he was working off a list, it wasn't a list of people—only of people who currently had access to the White House?

Ms. OLSON. That's a way of saying it.

Mr. WILSON. Okay.

EXAMINATION BY MS. OLSON:

Question. Did you hear his conversations with GSA if he was trying to get an updated list or doing the similar calls that you were making?

Answer. I don't know what—what exactly he was doing, except I know he was getting paperwork from them.

Question. Okay. And on the row of files that he had, were there any files from GSA?

Answer. On that row—

Question. Uh-huh.

Answer [continuing]. That he had not finished, no.

Question. Okay. Do you know that he had finished other agencies prior to going on to that row of files that was left?

Answer. Once again, I assumed that he had.

Question. Okay. And what do you base that assumption on?

Answer. The fact that when I started the project from scratch and went through all the files, I found a great deal of the files that I needed for people from GSA and AT&T.

Question. Do you know if those files could have been put in there by Nancy Gemmell rather than Tony Marceca?

Answer. I just—I don't know which could have been ordered by Nancy and which could have been ordered by Tony, but I know that there were GSA and AT&T files with Tony's handwriting on the outside of them.

Question. Did you ever look in any of the files that were on Tony's shelf, other than like you said, just to note the dates?

Answer. Look in the files? I had to look in the files to get the dates of the investigations of those that I needed.

Question. Other than that, did you ever look at any of the files that were on that shelf at any time?

Answer. No, except for the labels. No.

Question. Did you ever read any of the material contained in any of those files?

Answer. Not in the ones I did not need, no.

Question. Are you aware of anyone else that ever looked into those files or read any of the material in the files that you didn't need?

Answer. No.

Question. Did you ever have any meetings with Bill Kennedy while you were in the White House or attend any meetings that William Kennedy was in?

Answer. It depends on what you mean by "meeting." Bill Kennedy oversaw our office. I, therefore, had contact with him. Sitting in in meetings, no.

Question. What kind of contact did you have with him?

Answer. He oversaw our office. I would go up to his office for whatever reason, you know.

Question. Frequently?

Answer. If he called me. No, it wasn't frequently.

Question. Okay. When you would go up there, do you recall any issues that you discussed with Bill Kennedy?

Answer. No.

Question. Did you go up there at Mr. Livingstone's request?

Answer. When I did go up there?

Question. Yes.

Answer. Let me tell you one time I remember specifically. First let me clarify I was a very junior staff member at that time. I did not deal with Bill Kennedy on a regular or—any kind of regular basis. One time they needed help with the phones and Craig sent me up there to help them because I guess somebody was out sick. In that kind of situation is when I saw Bill Kennedy.

Question. But in the course of your duties working for Mr. Livingstone in the office, did you ever talk with Bill Kennedy about any of the issues in the office that you recall?

Answer. About issues in the office?

Question. Yes.

Answer. No.

Question. Okay. Did you ever have any knowledge of Mr. Livingstone meeting with Mr. Kennedy about issues in the office in the course of his work?

Answer. Bill Kennedy was Craig Livingstone's boss. Yes, Craig would go up to his office occasionally and meet with him.

Question. Okay. And how do you know that? Did he tell you?

Answer. Craig told me.

Question. Okay. Do you know what else Mr. Kennedy did in the course of supervising your office?

Answer. What his—in general, what he—I mean, I knew that—

Question. Any other supervision he performed in your office that you are aware of?

Answer. Our whole office was under his supervision, as far as I understood.

Question. But I mean anything specific—other than Mr. Livingstone going up there to meet with him, do you know anything else he instituted in the office or any other supervisory functions that he performed that you knew directly of in the office?

Answer. You are asking about separate supervisory functions, and I don't understand how you are drawing a distinction between separate supervisory functions and supervising the entire office.

Question. What did he do that caused you to know he was supervising the entire office—other than the fact he was in the hierarchy. Is there anything that he did that made you aware that he was supervising?

Answer. Okay. Craig reported to him. I knew that.

Question. Was there any other evidence of Craig reporting?

Answer. It was common knowledge that Bill Kennedy was Craig Livingstone's boss.

Question. But that's in a hierarchy. Did he physically report to him? Did you see him call him up on a daily basis, telling him what was going on?

Answer. Occasionally, but there was not a pattern that I am aware of.

Question. Any other things that Mr. Kennedy did?

Answer. When—on new employees, when we—on new employees, we would send the SF-86 to the FBI asking them to do the investigation. That usually took a few months. When the results of that investigation were done, they went to Counsel's Office, to Mr. Kennedy, before they came to us.

Question. So they went straight there from the FBI?

Answer. They went straight from the FBI to the White House counsel, to Mr. Kennedy.

Question. And that's all—

Answer. As far as I knew.

Question. I am sorry. Is that all SF-86s—

Mr. WILSON. You mean the reports?

EXAMINATION BY MS. OLSON:

Question [continuing]. That were sent out?

Answer. SF-86 is the form we sent to the FBI. What they send back is a full field background investigation. Every full field background investigation that we asked them to initiate they returned to Bill Kennedy.

Question. Then how did Mr. Marceca get the orange files in his file drawer?

Answer. Because we did not ask the FBI to initiate—well, first of all, we would get those background investigations after Mr. Kennedy had them.

Question. Okay.

Answer. These that Tony were asking for were simply copies of previous reports. We did not ask the FBI to initiate these investigations. They were done in previous administrations. Those came directly to us.

Question. And did one copy of each report come to you or two?

Mr. WILSON. Which report are you talking about, the previous reports?

EXAMINATION BY MS. OLSON:

Question. The previous reports.

Answer. I believe it was just one copy of—you know, there had been—there were people there who had been there like 20 years, so they would have conceivably three or four investigations. It would be one copy of each, and I believe that's all we got.

Question. Were you aware of the Secret Service receiving an additional copy of everything ordered?

Answer. As far as I know, the Secret Service only received what we gave them, which was—we would give them a copy of any investigation we initiated or any re-investigation we initiated. But as for previous reports, I am not aware of Secret Service getting them from us, but it makes sense that they would have copies of them already because I don't believe they are required to archive their paperwork. And since we give a copy to them, when we—

Mr. WILSON. Lisa, I don't want you to testify about what you are assuming.

The WITNESS. That's right. Here I am.

Mr. WILSON. I know you have a quick mind, and you figure things out.

EXAMINATION BY MS. OLSON:

Question. Let me ask you a question. It will probably make it easier. Did you ever receive any training about the holdover employees concerning the Secret Service?

Answer. You mean—

Question. In other words, did anybody ever tell you you can just go to the Secret Service, they have all these background previous reports?

Answer. As far as I understood—I figured that out at some point, now that you reminded me of it, that they had copies of it. But as far as I knew, the Secret Service did not work for us. We weren't in a relationship with them where it was appropriate, from my belief, for us to ask for copies of the investigations they had for previous employees. I did do that occasionally when the FBI—I would ask the FBI for a copy of the previous reports. There were a few occasions where they would send

me something back that said, we can't find this file. We consider the matter closed. They had effectively lost it. When that happened, I would ask Secret Service, can you make me a copy of what you have for this person for our file, because the FBI can't find it?

Question. Did anybody tell you, when you first started, why they weren't going to the Secret Service for these lists, the lists to get the previous reports for? If not get the entire reports, did anybody tell you why they weren't going to the Secret Service at least to get the lists of the people for previous reports?

Answer. We did. That's what those big green lists are from the Secret Service. They, from what I understand, could not distinguish between who we needed and who we didn't need. They didn't have a holdover list created that I ended up having to make. I would go to them with a specific name and say, look in your file. The FBI doesn't have—can't find their copy of this investigation. Look in your file, tell me if you have one and if you can give me a copy of it. If I gave them a specific name, they could help me. They could not give me a list, as far as from what I understood, an up-to-date list.

Question. Were you ever told by the Secret Service or anyone else how a name gets off their list? Such as if I am James Baker, how do I get off their list?

Answer. They tried to explain it to me once. It was very confusing. It was something about two data bases, or—two systems anyway, and one was what ran—well, this is what I believed. This is what they told me and what I figured out from what they told me until I gave up. They—one was what the machine that actually, the computer that actually worked when somebody flashed their pass in front of the light and put in their PIN number. And that—one of those—that system, I believe, was the one that was fairly up-to-date. Like somebody—like a previous administration employee if for some reason had not turned over their pass, it was my belief they couldn't use it. It wouldn't work in that machine. So they couldn't get in.

But for some reason—I mean, you would have to ask the Secret Service women that I dealt with, but for some reason the list that they generated for us, for our purposes, was not as updated as that actual physical pass machine list. I don't know that a list could be generated from that, but, you know, worked—the computer that worked on that.

Question. Did you ever see any lists with names alphabetical that had As and Is on it from the Secret Service, like "A" in a paren, or an "I" in a paren by each name?

Answer. At some point, I did, yes.

Question. Did you learn what that meant?

Answer. Yes.

Question. Can you please just tell us?

Answer. Active and inactive.

Question. And inactive meant people who had previously had passes but no longer did?

Answer. Right.

Question. Was that one of the lists that you described earlier, the big lists of everybody's agency?

Answer. It was a list like that, yes, which could have "active" or "inactive" next to it.

Mr. WILSON. Just so the record is clear.

The WITNESS. Like that.

Mr. WILSON. Are you saying that the lists that you saw in—that Nancy Gemmell was using, or that you believed Nancy Gemmell was using, had the As and Is on it?

The WITNESS. No, I am not saying it.

EXAMINATION BY MS. OLSON:

Question. So it was a list without an As and Is, a huge list without As and Is?

Answer. I do not know that it had As or Is. I can't remember if that particular one had As or Is on it. I can only assume since I know what "A" and "I" means, that I would have—I would have noticed that. But I do not know. I do not remember if that list had As and Is on it.

Question. But you noticed it had Marlin Fitzwater's name on it, I assumed, since you said you had seen his name on a file?

Mr. WILSON. Wait a minute.

Mr. SCHOOLER. No.

The WITNESS. You are confusing the lists.

EXAMINATION BY MS. OLSON:

Question. How many lists does the Secret Service create?

Answer. That's the problem. That's what I am trying to explain. Several different parameters, you know, they will use this database to create a list, and there were several different lists that we would use, and we would replace it constantly, you know, with a newer—a more updated list. I worked with Secret Service a great deal to update their list, because they—they didn't work for us, but they were willing to give us these lists, which was better than nothing.

So I—therefore, there was something in it for me to help them update their lists, and so I would call them regularly and say, delete this person off the list, make them inactive, he is not here anymore. Put this person under a new—you had this person working in this office. He doesn't. I found out he works in this other office. There was constant interaction between our two offices in working on this—updating this list.

Question. Did you ever write any memoranda to Bill Kennedy in the course of your duties in the office that you recall?

Answer. I don't believe so, not under my name anyway.

Question. Okay. Did you ever write any for Craig to Mr. Kennedy?

Answer. I typed a lot of memos for Craig. It was one of my duties when I first started as an intern and as a staff assistant. I don't recall any specifically.

Question. Okay. There is a document which I will mark as Deposition Exhibit 4. It is CGE 2941. And it's a memorandum to Craig Livingstone from Lisa Wetzl, staff assistant. It's dated March 8th, 1994.

[Wetzl Deposition Exhibit No. 4 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. Why don't you just look at that and see if you recognize that memorandum?

Answer. Yes.

Question. Okay. This is a memoranda that talks about Harry Thomason, Darnell Martens and Markie Post passes. Do you recall the circumstances under which you typed that?

Answer. Vaguely. He asked me—and also what I vaguely remember about this is at the time I had no idea who they were. I may have heard the names, but I wasn't sure who they were. Craig asked me, check with the Secret Service, find out the status of their passes on the access list or—having a physical hard pass. So I did. I looked into our files, and I looked into—called Secret Service to get what information they had, and wrote that for Craig.

Question. It also—under Harry Thomason, it says that on September 14th, 1993, you made a telephone request to deactivate—

Answer. Uh-huh.

Question [continuing]. Mr. Thomason's pass. Do you remember who asked you to do that?

Answer. It must have been Craig Livingstone. I can't remember specifically.

Question. Okay. Did you have any background knowledge of why you were doing that?

Answer. No.

Question. Did you ever see the First Lady in the office while you were working there for Craig Livingstone?

Answer. No.

Question. While you were out to lunch or anything, were you ever told that she had been down in the office?

Answer. Okay. And that would have been a big shock. We would have known if she was in there, trust me.

Question. That's why I asked.

Do you know of any direct supervision of your office that she had?

Answer. No.

Question. When you were first trained by Nancy Gemmell or given review of how to do this, did she impress upon you the sensitive nature of background files and the type of information that was contained in the summaries that were sent over?

Answer. I don't remember if she—I mean, it was understood that this information should not be discussed outside the office. It was obviously personal information. It wasn't classified for the most part. There was some that were classified. There were some files in the vault that were classified. So by law, obviously, I can't discuss them.

Question. Could you look at them?

Answer. Once I got my permanent pass, I could look at them. That was the equivalent of a security clearance. I did not before that.

Question. Before you received your permanent pass and after you received your personal pass, did you have any responsibility to review any of the regular files that were coming in, background files, for any purpose?

Mr. WILSON. You mean other than what she was talking about with the dates?

EXAMINATION BY MS. OLSON:

Question. Right, other than just look for the dates and see the update.

Answer. We were constantly reviewing dates and type of paperwork that was in there. If you are asking if I ever reviewed for content, no.

Question. What do you mean by "type of paperwork"?

Answer. Except for SF-86s, which I would look at to make sure that they had filled it all in correctly before I sent it to the FBI.

Question. What do you mean "type of paperwork that you were reviewing"?

Answer. Well, there's several—there's several different pieces of paperwork that goes into someone's security file besides the FBI background investigation.

Question. And what is that?

Answer. Anything that we ever get on that person, the pass—a copy of the pass request that we send to the Secret Service asking them to issue a pass to somebody; various memoranda that may—we may have. As part of the security clearance process, as part of the permanent pass process, there are several things involved in it: The name check, the request for the background investigation, which includes the SF-86, the results of the background investigation. There's a tax check, a tax records check with the IRS that goes in there. There's a security interview, an entrance interview when someone first comes into the office—when someone first comes into employment at the White House, they receive a—they have an interview, and there's a little questionnaire that they fill out with the interview.

Question. Do you know were you ever asked to look through any of the files to try to flag derogatory information or information that should be flagged for Mr. Livingstone before it passed on up to Mr. Kennedy?

Answer. No, I was not.

Question. Was anyone undertaking those activities, to your knowledge, while you were there for Mr. Livingstone or for themselves, for any of them?

Answer. While I was there, over two and a half or three—almost three—however long I worked there or after I started doing the update project?

Question. At any time you were there.

Answer. I believe Tony was reading them for content also.

Question. Do you know why?

Answer. I thought he was just helping Craig.

Question. Did Craig read files for content?

Answer. Yes.

Question. Okay. Do you know who he reported that to?

Answer. No.

Mr. WILSON. Just so the record is clear here, the files that we are talking about Tony and Craig reading, can we identify what those files are?

EXAMINATION BY MS. OLSON:

Question. Okay. Were these just copies of previous reports that they were reading for content?

Answer. No. Everything.

Question. Okay.

Mr. WILSON. Okay. But were they also previous reports of prior administration officials who didn't work at the White House anymore?

The WITNESS. I don't know.

EXAMINATION BY MS. OLSON:

Question. Okay. When Mr. Livingstone would read a file for content, do you know if he was then reporting that information to anyone specifically or having discussions about his—

Answer. Well, let me clear something up. They didn't both read them all. My understanding was Tony was—took—was doing that instead of Craig. Once Tony came, he was doing that instead of Craig, reading those investigations that came in. It's not like he read them—now, this is just from observation. It's not like he read them and then Craig read them. It's like he read them and put them in the file, as far as I could tell.

Do I know if Craig reported anything from the previous reports to anyone?

Question. Or just—I'm trying to figure out if he is—before Tony comes in, Craig is reading these for content. I am trying to figure out what he is then doing with this responsibility he has.

Mr. WILSON. Don't speculate about it or make assumptions.

EXAMINATION BY MS. OLSON:

Question. If he ever made a phone call?

Answer. I don't know.

Question. Did you ever hear him call anyone saying, I reviewed the files you asked me to, or do anything with the information after he finished reading a file?

Answer. You need—I need you to be more specific. Are you talking about background investigations in general or previous reports? Because those are two separate things.

Question. Tell me how it's different. If he is reading a previous report, let's say—

Answer. Okay.

Question [continuing]. For content, did you ever see him call anyone or have any communications and report what he was doing at any time?

Answer. No.

Question. If he is reading a background, a field investigation, did you ever hear him or know of him then reporting that to any of his supervisors any of the information such as in the White House Counsel's Office?

Answer. Separate from the previous reports, yes.

Question. Can you describe that?

Answer. Those are background—full field investigations that we have asked to be initiated on either new employees or old employees who were due for a new reinvestigation.

Question. Right.

Answer. Those would first go through Counsel's Office then come to Craig. That was—from what I understood, part of his job was getting somebody a permanent pass, reviewing with counsel their file and suitability for employment, and so, yes, he spoke with his—whoever his supervisor was at the time, who—the position was associate counsel. It was at one time Bill Kennedy, and then it was other people later.

Question. But you did observe him where he was reading the materials contained in the file?

Mr. WILSON. The file, meaning the—

Ms. OLSON. The full background report.

Mr. WILSON. Investigation?

Ms. OLSON. Investigation.

Mr. WILSON. Not the previous reports?

Ms. OLSON. Right.

EXAMINATION BY MS. OLSON:

Question. In other words, a report would come down to Mr. Livingstone after he had been in Mr. Kennedy's office.

Answer. Right.

Question. Did you ever observe Mr. Kennedy reading then the materials that would come down?

Answer. Mr. Kennedy? No.

Question. Mr. Livingstone?

Answer. Mr. Livingstone, yes.

Question. And he was reading the materials that were contained in the full field investigation; is that true?

Answer. That we had initiated, yes.

Question. Okay. And then you saw that he would then have conversations with Mr. Kennedy in the course of his job?

Answer. Right.

Question. When Mr. Marceca left, did Mr. Livingstone then go back to reading the files and doing what Mr. Marceca had been doing as far as reading them for content?

Answer. When Tony Marceca left, like I said, this project fell to the wayside, so from that I can only assume that there weren't any more previous reports for Craig to read.

Question. Did Mr. Marceca ever read the full field investigation materials while he was there?

Answer. I don't know.

Question. But did Mr. Livingstone continue with that activity after Mr. Marceca left?

Answer. Yes, reading the full field investigations, yes.

Question. Okay.

Answer. I mean, as far as I could tell.

Question. When you started picking up the project after Mr. Marceca left, were you ordering them by agency within the EOP, such as the White House office, and completing them by agency?

Answer. Yes. I went through, got that list from Secret Service that I would get, and we would go through by office, combing through for names. And if I didn't recognize a name and couldn't find out who they were, I would compare that list that I would get from Secret Service by office to whatever the supervisors gave me, saying that they were a previous administration employee, and if there were names on either one that weren't on the other one, I would have to investigate and look into it and see why doesn't Secret Service have this person on their list, under this office. Because that would happen, and it would turn out, oh, the name was somewhere on the thousands of lists, but it was on another office, or, you know—or vice versa, with the other lists.

Question. There was a report in the FBI investigative report that just came out. Have you read that report?

Answer. I have glanced at it.

Question. They make some comment about in December of '93 there was an unusually large amount of previous reports being requested, and they say that their person recalled speaking to someone in the White House just telling them—or not the White House, but someone told them the White House was just updating files. Do you know who spoke to the FBI or if anyone from your office spoke to the FBI during that period?

Answer. No, I don't know.

Question. Because the FBI wasn't sure who in their office had actually noticed that and gone to seek out information.

Did you have any conversations with the FBI when you discovered the Marlin Fitzwater file and the others about that?

Answer. I don't recall. I spoke with the FBI quite a bit on a regular basis with the people that we worked with in the SPIN Unit and the Name Check Unit. However, I don't remember, if I had a conversation about that particular subject.

Question. And within the FBI was most of your conversations with Barbara King, or was it divided between Barbara King and Lisa and Pat?

Answer. If it had to do with the SPIN Unit, then it was mostly Barbara.

Question. But since these were previous reports which weren't SPIN, I take it?

Answer. Uh-huh.

Question. So you would have spoken to Pat and Lisa in the other office, the Name Check?

Answer. From what I understand, Pat and Lisa were in the SPIN Unit with Barbara. The Name Check Unit were some different people.

Question. And you just don't remember their names that you dealt with?

Answer. One person that I dealt with a great deal was Cathy Walker, I believe, but then there were others, too, that I don't really remember their names.

Question. When the files were delivered back from the FBI from the Name Check Unit, did anybody have to sign for them?

Answer. Sign for them? No.

Question. Do you recall during the period when Mr. Marceca was there, especially during December, were they coming back in boxes, or were they still in pouches? How were they being returned?

Answer. I don't remember.

Question. Do you remember about how many you were sending over per week to get the previous reports when you were doing it?

Answer. No. I would say it was sporadic. It depended on, you know, where I was in the project, which office I was working on. It wasn't an average thing.

Question. We know in the December—the time frame when Mr. Marceca was there, I think the FBI report said there was 400 to 500 files. Do you recall any discussions about a huge number of previous reports being requested during that period?

Mr. WILSON. You mean in conversations with the FBI?

Ms. OLSON. No, I mean within your office.

Mr. WILSON. Other than what she has already testified to?

Ms. OLSON. Yes.

The WITNESS. I don't remember.

EXAMINATION BY MS. OLSON:

Question. If there was any reason why a large number was being requested at that time?

Answer. I don't remember.

Question. When you left, do you know if you—if anybody was going to pick up the update project or if it was finished?

Answer. I felt that I had pretty much completed it, but as I have said before, there were always new names popping up. I hoped that whoever was in the office after me would keep it up—

Question. Okay.

Answer [continuing]. Because I had put a great deal of work into it, and I did not want to just see it fall again.

Question. Do you know who came in and assumed a lot of your duties after you left?

Answer. The person that worked—I worked in the office with for a long period of time was promoted to my office, Ed Hughes. And then they hired a new person to fill his position.

Question. These documents, obviously, were recently discovered, and I think one of the first we saw of them obviously was May 30th, they were delivered in a document production from the White House. Have you had any conversations with the White House about these documents since mid-May or anytime after you left the White House about these FBI files?

Answer. Yes.

Question. Can you please describe those conversations?

Answer. This entire matter was first brought to my attention when I returned from a business trip the first week of June. Who brought my attention to it and asked me if I knew why we would have Billy Dale's file was Craig Livingstone and his lawyer.

Question. And so that was the first notice you even had of this issue?

Answer. I had not been in town, had not seen newspapers or anything; did not know anything about it. I said—told him what I thought could have happened, although that name did not jump out at me, and from what I gathered from that, from conversations with his lawyer, they looked into it, and, in fact, it seemed to be the case that that is how they got the file.

I realized that I did not feel comfortable speaking only with Craig's personal attorney about what I knew. I, therefore, asked that White House counsel contact me so I could tell them directly what I knew, and they did so. I told them what I knew.

Question. And did you speak with Jane Sherburne?

Answer. Very briefly, yes.

Question. Was there anyone else from White House counsel that you spoke with?

Answer. Yes.

Question. Who was that?

Answer. I keep getting her name mixed up. I think it's Sally.

Question. Sally Paxton?

Answer. Paxton, yes.

Question. Anyone else from White House?

Answer. No.

Question. Okay.

Answer. From White House counsel?

Question. White House counsel.

Answer. No.

Question. Anyone else in the White House?

Answer. I have a personal friend who works in the White House that I have told somewhat about this.

Question. And who is that?

Answer. Karen Abramson.

Question. What area does she work in?

Answer. Currently, she works for the Deputy Chief of Staff's Office.

Question. Mr. Ickes?

Answer. No, Ms. Lieberman, L-I-E-B-E-R-M-A-N.

Question. When Mr. Livingstone and his lawyer first called you, were they aware only of the Billy Dale request, or did they know about the other requests?

Answer. No. From what I could tell, I told them that I thought it—they asked me how I thought we could have come into possession of Billy Dale's file after—you know, several months after he had left.

Question. Uh-huh.

Answer. I said, well, here, you know, is a possibility, and I told them where the list of files that I had archived was, and they looked into it, and his name was on that list.

Question. And by the list, you mean the list you were keeping in the office in the notebook?

Answer. No, I mean the list that I had made of the people who—oh, right, who I archived, then I kept them in a binder by the shelf.

Question. I was wondering if it was a copy you had kept or—

Answer. I don't know. I told them I made a list for Records Management and I kept a copy in the office. I assumed they got a copy from the office, but I don't know.

Question. Did Mr. Livingstone remember or recall that when you spoke with him like, oh, yeah?

Answer. I didn't really speak with him too much. It was mostly his lawyer.

Question. When you were speaking with Mr. Livingstone, did he say he recalled that happening way back?

Answer. No.

Question. Have you spoken with Mr. Marceca or his lawyers?

Answer. I had to testify before the grand jury around the same time frame he did. He said, hi. I said, hi. That was about it. We didn't talk about issues.

Question. When you talked with Jane Sherburne and Sally Paxton, other than telling them about the list and events, did you have any other discussions about backgrounds on either Mr. Marceca or Mr. Livingstone, did they ask you if you knew their backgrounds?

Mr. WILSON. Do you mean—

EXAMINATION BY MS. OLSON:

Question. Did the White House Counsel's Office, either Sally Paxton or Jane Sherburne ask you if you were aware of their background?

Mr. WILSON. In other words, their background together.

EXAMINATION BY MS. OLSON:

Question. Personal background or relationship?

Answer. No, no.

Question. Did they ask you any other questions other than the facts that you remember about what happened with these documents?

Answer. Not that I recall. I basically told my story and that was it.

Ms. OLSON. I think if I could just have a few minutes to go through, I think I am done. I would just like a couple of minutes to make sure there is nothing else.

Do you have anything else?

Mr. SCHOOLER. No.

[Discussion off the record.]

Ms. OLSON. We are done.

Thank you very much, I appreciate you coming in on short notice.

[Whereupon, at 8:05 p.m., the deposition was concluded.]

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

IN THE MATTER OF: WHITE HOUSE TRAVEL

DEPOSITION OF DAVID CRAIG LIVINGSTONE

FRIDAY, JUNE 14, 1996
Washington, D.C.

The deposition in the above matter was held in Room 2203, Rayburn House Office Building, commencing at 4:15 p.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Comstock, Investigative Counsel; Kristi Remington, Investigator; Robin Butler, Office Manager; David Schooler, Minority Chief Counsel; and Donald Goldberg, Assistant to Minority Counsel.

For DAVID CRAIG LIVINGSTONE:

RANDALL J. TURK, ESQ.

and

DAVID S. COHEN, ESQ.

Miller, Cassidy, Larroca & Lewin, LLP

2555 M. Street, N.W.

Washington, D. C. 20037-1302

Ms. COMSTOCK. We are on the record this afternoon for the deposition of Craig Livingstone which will be administered under oath.

I would like to identify the people in the room.

My name Barbara Comstock, I am Majority Legislative Counsel; Kristi Remington is an assistant Counsel in the office; Don Goldberg is staff member for the Minority; and Dave Schooler is here today, also.

Robin, go ahead and swear the witness in.

THEREUPON, DAVID CRAIG LIVINGSTONE, a witness, was called for examination by Counsel, and after having been first duly sworn, was examined and testified as follows:

Ms. COMSTOCK. I think we have previously gone through the outlines of the investigation so I will just move into questioning.

DIRECT EXAMINATION

EXAMINATION BY MS. COMSTOCK:

Question. Could you describe the responsibilities that you had in your position regarding background investigations in the obtaining of FBI files?

Answer. That I have currently at the White House?

Question. That you had in 1993, to the present time.

Answer. I would review background investigations when they were sent back to the White House.

Question. Could we start at the beginning because obviously you had to get them before reviewing them; could we start at the beginning the process?

Mr. TURK. Would it be easier, maybe you might be able to discuss the testimony a little more if rather than just asking Mr. Livingstone an open-ended question about what he is here to testify about if you could maybe direct the questioning to specific types of activities.

Ms. COMSTOCK. Well, I would like to find out what his duties were in this entire area so we can then determine what was going on in the bigger picture as well as some of the other particular items we are interested in.

The WITNESS. Primarily I would review background investigations as it relates to the questioning about background investigations, I would review them upon their return from the FBI.

EXAMINATION BY MS. COMSTOCK:

Question. And how would they be obtained from the FBI?

Answer. Someone in my office would initiate the request.

Question. Could you tell us who everyone in your office was in 1993, from the time it started in January throughout the year in 1993?

Mr. TURK. And the question is?

Ms. COMSTOCK. Who worked in Mr. Livingstone's office?

Mr. TURK. Everyone?

Ms. COMSTOCK. Yes.

Mr. TURK. Starting from when you first arrived.

The WITNESS. I would only be able to give the names of people who worked on payrolls, we had interns and volunteers; I won't be able to remember all of them.

EXAMINATION BY MS. COMSTOCK:

Question. Let's go through who you remember first?

Answer. Myself, of course. Jane Dannenhauer, she was a—

Mr. TURK. Just give the list of names, that is what she has asked for now.

The WITNESS. Of everyone that's been there in 1993?

Ms. COMSTOCK. Yes.

The WITNESS. Jane Dannenhauer, Nancy Gemmell, Mari Anderson, Lisa Wetzl.

EXAMINATION BY MS. COMSTOCK:

Question. And when did Lisa join the office?

Answer. I am not positive. I think—I am not positive.

Question. Jane was there when you started; correct?

Answer. Correct.

Question. And she stayed for approximately a month or two?

Answer. I think for a month, month and a half.

Question. And Nancy Gemmell was there when you started?

Answer. Yes, ma'am.

Question. And she was there through mid-August; is that correct?

Answer. I am not positive, but that sounds close.

Question. And Mari Anderson, was she there when you first started?

Answer. No, I hired her. She came sometime after me.

Question. Do you have—she was there in 1993 then?

Answer. From most of the time that I was there.

Question. Would she have been there by August 1993?

Answer. I believe she was. I am sorry. Do you mean by or still there?

Question. Was she there by August 1993?

Answer. Oh, yes, absolutely.

Question. Lisa Wetzl, was she there by the summer of 1993?

Answer. I believe she was there, yeah.

Question. And you hired Mari Anderson and Lisa Wetzl?

Answer. Mari it is Mari, it is spelled with an "I." I hired Mari, yes, sorry.

Question. How did you hire Mari? Do you know how you found out about her?

Answer. Yes, she worked for me at the Inaugural Committee.

Question. She worked on the campaign?

Answer. She did.

Question. And what was her position?

Answer. I am not positive. We didn't work together, she worked in Little Rock, to the best of my understanding.

Question. And Lisa Wetzl?

Answer. Lisa Wetzl was an intern for me first and that is why I wasn't positive when she came on board as a hiree.

Question. Did they start out in January '93 as an intern?

Answer. I don't think so. I think in the spring—well, I am just not positive. Sometime in 1993, but like I said, we can find out.

Question. Why don't we continue with other people that were in the office.

Answer. Anthony Marceca.

Question. I think we will return to him, so why don't we go through the list.

Answer. I think the next personnel person would be Ed Hughes.

Question. And who was he?

Answer. He worked for me as an intern, then we hired him.

Question. And where did he come from?

Answer. Like I said, he was an intern. I didn't know him prior to being an intern.

Question. Had he worked on the Inaugural Campaign Committee?

Answer. I don't believe so.

Question. Do you know how you learned about him?

Answer. He came to work for he as an intern in my office.

Question. Do you know when he came to work for you?

Answer. I believe, 1994.

Question. Okay. Was there a George Saunders in the office?

Answer. Yes.

Question. And he was held over from the previous administration?

Answer. Well, he is not an employee. He is a contractor. I don't think he would be considered a holdover.

Question. He had been at the White House as a contractor—

Answer. Yes, ma'am, many years.

Question. And he is still there now?

Answer. He is?

Question. And other people who were in the office?

Answer. I believe the only other person on payroll would have been Jonathan Dembo.

Question. How do you spell that?

Answer. D-E-M-B-O.

Question. Where did he come from?

Answer. He was an intern that worked for me.

Question. Do you know when he started as an intern?

Answer. I think 1994, but I am not positive.

Question. Anybody else?

Answer. I had some interns that I can remember their names.

Question. Why don't we go through those.

Answer. Melissa Evantash.

Question. Is that E-V-A-N-T-A-S-H?

Answer. Yes, ma'am.

Question. She was an intern?

Answer. Yes, intern/volunteer. I don't remember what her status was, she may have worked there as a volunteer.

Question. She was never on the payroll?

Answer. No.

Question. Do you know where she is now?

Answer. She is still in Washington.

Question. Is she working in the administration anywhere?

Answer. No. Samantha Ziskind. Z-I-S-K-I-N-D. She was an intern, and she was from California somewhere.

Question. Do you want to continue?

Answer. I am trying to think. There were other interns of which I can document, but I don't remember all of their names or last names, that type of thing, but several.

Question. Do you have records of who the interns were who were in the office?

Answer. The intern office would.

Question. How did the intern office keep records—

Mr. TURK. If you know.

The WITNESS. I have been contacted in the past about interns, and I have referred them to the Intern Office and they have been able to locate when people work, so that leads me to believe they have records.

EXAMINATION BY MS. COMSTOCK:

Question. Do those records indicate in what office they worked?

Answer. I don't know.

Question. Are there other interns whose names you recall?

Answer. Not right at the moment, but it would be easy to find, for us to find for you.

Question. Are these the individuals who then worked—who assisted you in your duties in the Office of Personnel Security?

Answer. Yes.

Question. This is Personnel Security; is that right?

Answer. Yes, ma'am.

Question. So you are responsible for supervising these interns?

Answer. No. Mari Anderson and Lisa Wetzl, and now Ed Hughes supervise the interns.

Question. Ed Hughes is currently in your office?

Answer. Yes, ma'am.

Question. Do you know where Lisa Wetzl is now?

Answer. She lives in Virginia—northern Virginia.

Question. Is she working in the Army?

Answer. She works in the Secretary of the Army's office.

Question. That would be Joe Reeder?

Answer. I don't think that is his name, but I am not sure. It doesn't sound right.

Question. And you Mari Anderson, Lisa Wetzl and now Ed Hughes, all reported to you?

Answer. Yes.

Question. So you were—the interns were under your supervision as well as Mari Anderson and Lisa Wetzl and Ed Hughes; is that correct?

Mr. TURK. I am going to have to object to—it sounds to me like you might be trying to argue with the witness. You asked Mr. Livingstone if he supervised interns, I think he said no, that Mari Anderson, Lisa Wetzl and Ed Hughes supervised them. I think you asked if Mari Anderson, Lisa Wetzl and Ed Hughes reported to Mr. Livingstone. I think that much is—

Ms. COMSTOCK. Do you want to—did they report to you?

Mr. TURK. Did Mari Anderson, Lisa Wetzl and Ed Hughes—

Ms. COMSTOCK [continuing]. Report to you?

The WITNESS. Yes.

EXAMINATION BY MS. COMSTOCK:

Question. Did they report to you on the matter of the interns and what work they were doing?

Answer. Occasionally.

Question. Was part of their job responsibilities to report to you on what people they were supervising were doing?

Answer. I think in terms of, if there were problems or there were elements of confusion, they needed my assistance in working with the interns, but not in the course of day-to-day events, no.

Question. Could you describe the physical—give a physical description of your office?

Answer. In 1993?

Question. Yes.

Answer. In 1993, it is a room about half this size.

Question. And was your office separate within that room or was it all part of one office?

Answer. In 1993, it was one large room.

Question. And in 1993, Ms. Anderson as Ms. Wetzl worked in that office also?

Answer. Yes ma'am.

Question. As your assistants?

Answer. Yes ma'am.

Question. They were in that one room with you?

Answer. Yes, ma'am.

Question. Was George Saunders also in that room?

Answer. No, ma'am.

Question. Where was George Saunders?

Answer. He had an office in 1993, I believe it was on the first floor—excuse me, on the ground floor.

Question. And where would the interns work when they came in?

Answer. In that office or in the vault.

Question. Okay. And the vault was attached to your office?

Answer. Yes, ma'am.

Question. Could you describe the vault for us?

Answer. A description of the room would be—

Mr. TURK. The vault, I think.

The WITNESS. The description of the room, which the vault is a room, you could describe it as a room. It is a stand-alone vault which you can physically walk into and stand up, of which two to three people can work comfortably inside, to give you an idea of how big it is.

EXAMINATION BY MS. COMSTOCK:

Question. Can you describe how the vault was maintained?

Answer. I am sorry?

Question. Was it open during the day, the vault?

Answer. It would be open when we were—one of us, Mari or Ed, Jonathan would be in the office.

Question. And if you were not—if either—if any of the four of you were present in the office, the vault would be open?

Answer. Yes, ma'am.

Question. And could you describe what procedures you used for recording who entered or exited the vault?

Answer. We had no procedures for recording entrance and exit for the vault.

Question. So the vault would be open if any of the four of you were there; is that correct?

Answer. Yes, ma'am.

Question. Then you would also—you would sometimes have interns working in there also?

Answer. Yes, ma'am.

Question. Now, when the vault—if interns were in the vault, did that require one of the four of you being in the vault with them?

Answer. No, ma'am.

Question. So interns could be in the vault alone?

Answer. That is correct.

Question. Do you know when you got your security clearance in 1993?

Answer. I believe March it was completed.

Question. It was completed. Was that for the security clearance as well as your pass or—

Answer. At that time the White House considered the completion of the BI and issuance of the permanent pass, which I did not receive until later, to be your security clearance.

Question. Do you know—in March of 1993, did you receive a permanent pass?

Answer. No, I don't believe I got my permanent pass until October of 1993, or thereabouts.

Question. So in March of 1993 you only had a temporary pass?

Answer. Yes, ma'am.

Question. Do you know who participated in your vetting?

Answer. Mr. Kennedy, Bill Kennedy.

Question. Do you recall if Mr. Kennedy had any problems with any matters in your background?

Answer. Yes, he did discuss some issues with me.

Question. Could you describe what those were?

Answer. My drug use, and he basically gave me what he called a "Come to Jesus" opportunity to talk to him about any issues in my life that he should be aware of. And I related to him some situations in my life that I considered less than favorable and I wanted him to be aware of them.

Question. Could you describe what those were?

Answer. Yes. When I was in college I worked at the Sears store. I think this is in 1981 or '2. I worked as a sales clerk and I was brought in by the supervisor to discuss, as I recall it, an improper exchange of an item which I had purchased. I believe the issue was I was supposed to go to the supervisor since I had purchased it myself, and the discussion was they didn't think that was—I had followed proper procedures, and I was let go.

Question. Any other matters?

Answer. I also told them I was at another job where I was a contract employee where I was asked about my education. The woman I had worked for had thought I had gone to a particular school, and because I was engaged in conversation with her daughter and someone who worked at the company, she questioned me about it and checked my file and discovered I had not gone to that school.

I did not tell her I went to the school to get employment there, nor did I put that on an application with her, but she thought the fact I would bring it up in a conversation like that was incredible, and did not renew my contract. When I discussed that issue with her prior to my employment at the White House, she asked me if I learned my lesson and if I had misrepresented my education to anyone else since then, and I said, no. And she said she considered the matter resolved.

And from what I understand from Mr. Kennedy, he said that they had mentioned it in the FBI, but—or someone had mentioned it in the FBI, considered I did good work and said it was an anomaly. And I wanted to be as forthright as I could with Mr. Kennedy about it, so I did talk to him about it before he hired me.

Question. You had mentioned your drug use to Mr. Kennedy, or he had talked to you before about it? I am sorry, which was it?

Answer. During the course of my FBI interview, the FBI investigator asked me about drug use and asked me if I had used drugs within the last 5 years, if I remember the question right. And I had said, no. And he said, you understand that the White House wants to know if you had ever used drugs? So I said the answer to that would be that I had used different types of drugs up until about 1985, as I recall answering the question.

Question. Did Mr. Kennedy talk to you about looking for other kinds of work in the context of this conversation that you had with him in the White House?

Answer. I am sorry, I don't understand the question.

Question. In this conversation that you had with Mr. Kennedy, did he raise the issue of working in another capacity at the White House besides the job in this Office of Personnel Security?

Answer. No.

Question. Did there come a time when you were asked to work on—I guess you did, on backgrounds or security clearances of others at the White House?

The REPORTER. Excuse me, I need an audible response.

The WITNESS. I didn't know she was finished.

EXAMINATION BY MS. COMSTOCK:

Question. Did there come a time when you were asked to work on background and security clearances?

Answer. Yes.

Question. Do you recall when you began working on those types of things?

Answer. No, not the specific day, sometime in 1993.

Question. Do you know if it was before or after your background was completed when you had your security clearance?

Answer. I believe it was after.

Question. Do you know if anyone else at the White House weighed in on your being hired or not for your position in personnel security?

Answer. What exactly do you mean by "weighed in"?

Question. If anyone recommended you or wanted you in that position?

Answer. I believe the first person that told me about the job was Ms. Christine Varney.

Question. Do you know if anybody else at the White House had commented favorably or unfavorably about your having that position?

Answer. No.

Question. Was this a position you had wanted to get at the White House or is this the position you sought at the White House?

Answer. No, I don't think I specifically wanted this job.

Question. Did you discuss that with Mr. Kennedy, about looking for other opportunities in the White House?

Answer. I don't recall.

Mr. TURK. I just would like to note for the record that a lot of this was covered in Mr. Livingstone's last deposition by the committee and it is 5 o'clock. I told you before you began that we need to leave by 6:30. You can choose to use that time however you choose, but if you spend the time covering issues you have already covered before, I don't intend to come back because you spent the time that way. So I would urge you, and I would tell you also that Ms. Olson told me you would not be re-covering material that you covered.

Ms. COMSTOCK. I don't think we have re-covered too much additional material here, and I will try to not cover previous material. If you want to bring that to my attention as we go through, I don't think we have re-plowed too much ground here, but I will note, though, we were not informed that the deposition—the witness needed to leave by 6:30 today, and that probably will be a restriction on our time, but I will keep to new material here.

Mr. TURK. I think you will find if you talk to Ms. Olson, who I spoke with, that she indicated that the deposition would go somewhere between 45 minutes and an hour and a half. And she indicated when I told her we had plans for the evening, she said she did, too, and it would be a very short deposition. So I think 2 hours is ample opportunity when you have already deposed this witness.

Ms. COMSTOCK. I believe we have had some—there were some different answers prior to—I think Mr. Livingstone had indicated before he really didn't work with anybody in his office and I think we needed to go through the list of the people who were in the office that we didn't previously know about.

Mr. TURK. Do you have that—do have his deposition?

I will state for the record, that is not my recollection of his deposition.

Ms. COMSTOCK. We had not—at any rate, we had not gone through all of these people who were in the office. I believe in terms of the Travel Office and what we were discussing at that time and not knowing about the issues that we are discussing today, those people weren't necessarily at all relevant to our knowledge of any of these matters at that time.

EXAMINATION BY MS. COMSTOCK:

Question. Can you tell me your knowledge of when Mari Anderson, Lisa Wetzl and Ed Hughes obtained their security clearances?

Answer. I can't off the top of my head, no, but we will have a record of that.

Question. Do you know if they did have security clearances?

Answer. Yes, ma'am.

Question. And how about these volunteers, do you know what security clearances they were provided with?

Answer. No, they did not have security clearances.

Question. None of these volunteers had security clearances?

Answer. Yes, ma'am, that is correct.

Question. How were you provided with these volunteers, where do you know where they came from?

Answer. The volunteers were people that I knew, as I recall, because of the sensitivity of the information in our office. The interns were provided by the Intern Office, usually. Sometimes I would select an intern if I knew them and they were interested in working for me.

Question. And moving to the—what has been identified as Project Update, were you doing anything in this Project Update prior to—or if you can give us a starting date of when the Project Update began?

Answer. I can't.

Question. Can you give us an—was it sometime in 1993?

Answer. I believe that is correct.

Question. Could you tell us who Anthony Marceca is?

Answer. He worked for me as a detailee in 1993 and 1994.

Question. And did he begin in mid-August?

Answer. I believe that is correct.

Question. Can you tell us how you knew—is it Mr. Marceca, is that the correct pronunciation?

Answer. Marceca.

Question. Could you tell me when you first met Mr. Marceca?

Answer. I think I first met Mr. Marceca in 1984, the Gary Hart campaign.

Question. Could you describe your knowledge of any of his past political connections—

Mr. TURK. Could you describe political connections?

Ms. COMSTOCK. Any campaigns he worked on that you know of, or any office-holders that he worked for?

The WITNESS. I know he worked on the Gary Hart campaign.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know what his position was there?

Answer. Advance man, I believe.

Question. Did you work on advance with him?

Answer. On occasion.

Question. Do you know of any other campaigns or office-holders that he worked for?

Answer. He worked on the "Al Gore for President" campaign.

Question. And did you work on that campaign also?

Answer. Yes, I did.

Question. And at this time was he also in the military?

Answer. I don't recall.

Question. Do you know of any other office-holders or campaigns he worked for?

Answer. I know that he worked on the Hill for investigative committees.

Question. So did you keep in touch with Mr. Marceca from 1984 forward?

Answer. Keep in touch, meaning, hi, how are you, that kind of thing?

Question. Yes.

Answer. Infrequently.

Question. Did he work at all in the Clinton-Gore campaign or assist or volunteer in any way?

Answer. In 1992?

Question. Yes.

Answer. I don't recall working with him on anything in the campaign. I may have done—he may have done some stuff in the Inaugural Committee, but I don't really recall the campaign.

Question. You think he did assist or volunteer in the Inaugural?

Answer. I seem to have a vague recollection of him.

Question. Could you explain the process by which you sought out Mr. Marceca to work at the White House?

Answer. I didn't seek him out.

Question. Do you know who did?

Answer. He said he wanted to work at the White House.

Question. Do you know who he told that to?

Answer. He told that to me.

Question. Do you recall when he told you that?

Answer. No.

Question. Did he tell you that during the Inaugural or during the early days of the administration?

Answer. I don't know. I know the year. It was in 1993 sometime, I am sure.

Question. And what did you tell him?

Answer. I don't recall my specific response.

Question. Could you describe how it came about that he did come to the White House as a detailee?

Answer. Yes, ma'am. I responded to Mr. Clinger's subpoena and sent over the documents to counsel yesterday, and there are letters requesting—he sent a letter, I believe to Mr. Kennedy, and Mr. Kennedy sent a letter to the Army. And the Army sent a letter back to Mr. Kennedy. Something along those lines, maybe not exactly.

Question. So Mr. Kennedy sent a letter specifically requesting Mr. Marceca to come to the White House?

Answer. On my recommendation, yes, ma'am.

Question. What were Mr. Marceca's duties at the White House?

Why don't I back up. When he came to the White House, did he know what he would be working on?

Answer. I am not sure, I can't recall.

Question. I apologize, apparently you gave the material to the White House yesterday and we have been calling them today to try to get ahold of it. And they did not provide it to us. I apologize we can't have the documents here. I will not hold you accountable for—

Answer. It is probably my fault.

Question [continuing]. Exact recommendations here of what the letters are maybe to the best of your recollection and understanding, that we don't have them present here and maybe we could further clarify them in the future.

Did this letter that Mr. Marceca sent to Bill Kennedy—to your recollection—and Bill Kennedy sent a letter to the Army and the Army sent the letter back to Bill Kennedy, did that get the process completed?

Answer. Yeah, if I could amend that. I don't think Mr. Marceca sent a letter to Mr. Kennedy, I think it started with Mr. Kennedy sending a letter. Mr. Marceca talked to me and we talked about general ways that he might be available to assist the office. And I presented that to Mr. Kennedy at some point, and I don't recall the times. I am sure there are big gaps in there before everybody got together. Eventually he met with Mr. Kennedy, and Mr. Kennedy interviewed him separately from me. And then I think he wrote the letter.

Question. Mr. Kennedy did interview Mr. Marceca?

Answer. Yes.

Question. And do you know what clearances Mr. Marceca had at the time?

Answer. I believe he had top secret clearance, if I recall.

Question. And when he questions was there a specific project he was going to work on, do you know what was requested of him?

Answer. I believe in the beginning we had hoped he would help us out with—at the time we were given a large volume of military files and we weren't very familiar with military files. We thought it would be helpful for him to help us with that, and also with general office duties, to help train us in the day-to-day security operations of the office, someone who had skills and knowledge in security dealing with paperwork, that kind of thing.

Question. To your knowledge, he had previously done such work?

Answer. To answer the question, I believe from his work on the Senate committees that he did have those skills.

Mr. TURK. Can we go off the record?

[Discussion off the record.]

Ms. COMSTOCK. Back on the record.

EXAMINATION BY MS. COMSTOCK:

Question. At the bottom of page 21 we have been discussing—this is of a prior deposition of Craig Livingstone of March 22, 1996, and we are discussing who Mr. Livingstone reported to, and at the end you say, “and we review FBI, IRS, other relevant backgrounds and personnel data for the issuance of passes, granting of access to both staff and volunteers at the White House.”

And then the question is: Okay, and you said you were one of a number of individuals. Who were the other individuals?

And the answer is: The only person that I can speak to, have personal knowledge of, would be my superior, but I don't know who else in Counsel's Office. I don't interact with other people.

So you are—

Mr. TURK. That says, he is talking about people in Counsel's Office. I do not read that in any way to suggest that Mr. Livingstone is saying he doesn't interact with other people in the White House Office of Personnel Security, of which he is the head, which is the implication that you made when you made the statement earlier and justified going over material that you had gone over before.

I just want to say that I think that is totally inappropriate to mischaracterize someone's testimony like that. This is a very important and serious matter, and you need to be very careful about the statements you make about sworn testimony. I would ask you to be more careful in the future.

Ms. COMSTOCK. My understanding is Personnel Security is within the Counsel's Office. The question—my interpretation of—I was trying to figure out who the other individuals were who worked from the office.

Mr. TURK. What is that question, Ms. Comstock?

Ms. COMSTOCK. You were one of a number of individuals who reviewed files.

Mr. TURK. That is not the question.

Ms. COMSTOCK. You were one of a number of individuals. Who were the other individuals reviewing files?

Mr. TURK. That is not what the question is. It says, You were one of a number of individuals. Above that it says, And counsel has a representative to review those materials for him or her, and I am one of those people.

Counsel has a representative. You are talking about the Counsel to the President; you are not talking about staff people in the White House office of Personnel Security. You didn't ask him ever in that deposition who else works in the White House Office of Personnel Security, identify for me who the individuals are who worked in that office.

You didn't ask him that question, and it is totally unfair and mischaracterizing of his testimony to suggest that you asked that question and he declined to tell you, because he said, you say, he didn't interact with those people.

Ms. COMSTOCK. My understanding of that question is, I was asking what other people reviewed files. We are here clarifying that today and we will do that.

Mr. TURK. I think it is very important that you not just blithely mischaracterize someone's sworn testimony in a deposition that you undoubtedly in your committee will try and get into the Congressional Record at some point. I want it to be very clear that you did not ask Mr. Livingstone that question and he never, in response to a question about who were the employees in his office, that he didn't interact with the people in his office. So let's proceed.

EXAMINATION BY MS. COMSTOCK:

Question. Could you describe what Mr. Marceca's duties in the military—you said he came over to do the military files.

Answer. No, ma'am. I believe you asked me if I could recall what it was that we originally brought him over for. To the best of my recollection, I just said we had a lot of military files, military issues that we dealt with and we had a lot of other personnel security work to do, day-to-day paperwork, and I needed help. And he was brought over to help with those various administrative duties.

Question. Do you know on the detailee request form if he was requested for this military job of reviewing military files specifically, or do you have knowledge of what was detailed on the form, if anything?

Answer. If I could answer to the best of my knowledge, to the best of my knowledge, I believe, having looked at the paperwork yesterday, it says "To assist with military files and other office duties," something very close to that, "office functions, personnel functions."

Question. And did there come a time when Mr. Marceca was involved in something called the Update Project?

Answer. Yes.

Question. Could you describe what that was?

Answer. I am sorry, the Update Project or—

Question. Yes, the Update Project.

Answer. As I understand it today, the Update Project was a project initiated by Ms. Nancy Gemmell for the purpose of creating new files for holdover employees and also for people who maintained access to the White House.

Question. Could you describe how that project proceeded, to your knowledge?

Answer. I have very little direct knowledge, how it proceeded. I know that Ms. Gemmell initiated it. I believe that—I will say what I know.

I know that she had volunteers and interns assisting with it, I don't know which ones specifically; and I know that Miss—excuse me—Mr. Marceca picked up on it at some point, I don't know at what point, but at some point in his detail he picked up on the project and Ms. Wetzl completed the project.

Question. Can you describe your knowledge of what was involved in this project, how it was conducted?

Answer. As I understand, Ms. Gemmell instructed the office, the support people that worked with her on it, to go off a Secret Service pass-holder list and to get the names of people off that list and submit files to the FBI, submit requests to the FBI for a copy of a previous report.

Question. And this was for people who were holdovers at the White House?

Answer. As I just said, it is for, as I understand it, people what were holdovers, but also people that require access. I believe there are as many people who require access to the White House who have passes as people who actually work there. It is a large number of people.

Question. Do you have any general idea of when this project began?

Answer. 1993.

Question. In the summer of 1993?

Answer. I am not sure. I think it started with Ms. Gemmell, but I am not positive.

Question. Have you recently contacted Ms. Gemmell?

Answer. I called Ms. Gemmell, I believe, in the last week and a half, two weeks.

Question. Can you describe your discussion with her?

Answer. I asked her not to speak to me but would she be kind enough to speak with my attorney, Mr. David Cohen.

Question. To your knowledge, did she do so?

Answer. I don't know. I got off the phone at that point.

Question. Did you do any memos on this project or know of any memos on this project? Did you do any memos on this project?

Answer. I don't believe I ever did anything with regard to this project. I just don't believe—let me be specific so I don't—it is a big thing to say about everything that happens.

Mr. TURK. The question is, did you do any memos? Maybe it would be easier if you just focused on answering the question. Did you do any memos?

The WITNESS. Did I do any memos on the Update Project? No.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall ever informing Mr. Kennedy about the project being undertaken?

Answer. I don't know there would be any reason to. I don't know. I don't recall.

Question. Can you describe your monitoring of this project?

Answer. I didn't supervise this project.

Question. Who did?

Answer. I believe Ms. Gemmell, Ms. Anderson, Ms. Wetzl and Mr. Marceca.

Question. And Ms. Gemmell left in mid-August; is that correct?

Answer. Yes, and I want to be clear. I am not suggesting that Ms. Gemmell worked at length on this project. I don't recall when she left and when the project started. I don't recall.

Question. You had said you had turned over the paperwork on Mr. Marceca's detailees. Besides these letters back and forth, are there any other documents that you turned over to them in relation to Mr. Marceca, if you can recall?

I have stated that we do not have them and will not hold you to specific recollections of each and every item, but if you can recall any of the other items that are included in that—

Mr. TURK. I think the best way to deal with that would be to get the files from the White House rather than to be asking—

Ms. COMSTOCK. If we have additional questions on that, maybe we can do something briefly on that if we need to talk with you about that.

Mr. TURK. Maybe over the phone we can do that.

EXAMINATION BY MS. COMSTOCK:

Question. Can you describe to us any other knowledge you have of this Update Project throughout the fall of 1993?

Mr. TURK. Could you focus that question a little bit? It is awfully open-ended.

EXAMINATION BY MS. COMSTOCK:

Question. What knowledge of how long this Update Project went on for. You said it started at some point when Ms. Gemmell was there, which—she left in mid-August. Is it fair to say that this project started before mid-August? Do you know if it started before mid-August?

Answer. I have no knowledge of when it specifically started.

Question. Do you know when it ended?

Answer. I have no specific knowledge of when it ended. However, I do know that I had asked Ms. Wetzl at some point, I believe it was in the 1994, about the project, and she said it was completed.

Question. And when did she tell you that?

Answer. To the best of my recollection, it was in 1994.

Question. Is that all that Ms. Wetzl told you about the project?

Answer. No. I have a specific recollection of Ms. Wetzl saying that on one occasion Tony had ordered too many files.

Question. So Lisa Wetzl told you that Tony had ordered too many files?

Answer. Right.

Question. And what did she tell you about that?

Answer. Something along those lines, I don't think exactly those words. I inferred that these were people that had since departed, and that we didn't need them.

Question. Did she tell you anything else?

Answer. No, not to my recollection.

Question. Did she tell you where these files were?

Answer. I believe she told me they were in the vault. That is a vague recollection.

Question. Did she ever write any memos or documents related to the issue of there were too many files being ordered?

Answer. I don't think so.

Question. Did you tell anybody about that?

Answer. Outside of the office, I don't believe so.

Question. Outside of which office?

Answer. The Personnel Security Office.

Question. Who in the Personnel Security Office would have known that there were too many files ordered?

Answer. I am saying I don't know that I discussed it, but if I had, it would be with someone in the office.

Question. Was Mr. Marceca aware that he had ordered too many files?

Answer. I don't think so. I think this recollection is after he departed and when Ms. Wetzl began or ended her work on it, somewhere in that time frame.

Question. So it was after Mr. Marceca left that Ms. Wetzl told you too many files had been ordered?

Answer. I don't have an exact recollection of that.

Question. Do you have any general recollection?

Mr. TURK. I think he already told you what his general recollection was, vague recollection, I think was what he said.

EXAMINATION BY MS. COMSTOCK:

Question. And you never told Mr. Kennedy about that?

Answer. No. I don't see any reason to.

Question. When she said there were too many files, what did you understand that to mean?

Answer. As I stated earlier, I thought this meant that for people that had since departed. We had a lot of people leaving throughout that first year, coming and going, and there was a lot of confusion.

Question. Did there come a time when somebody in the office made up a list of these files that were not needed?

Answer. I learned that recently.

Mr. TURK. You are asking—the question is, did there come a time when somebody in the Office of White House Personnel Security put together a list of these files?

Ms. COMSTOCK. Yes.

EXAMINATION BY MS. COMSTOCK:

Question. And you—

Answer. If it is the same list and the same files we are talking about that I became aware of recently, it was the files that, upon my learning of, I spoke with counsel and counsel had the files returned.

Question. But in 1994, did you ever see such a list of files that had been mistakenly obtained from the FBI?

Answer. I don't recall. I think I would have dealt with it if I saw it. I am sure I would have.

Question. Did you have an understanding that these files had been mistakenly obtained?

Answer. When?

Mr. TURK. I think those were your words. I think what Mr. Livingstone has testified is that Ms. Wetzl told him, was not—the words were that Tony had ordered too many files or something like that.

EXAMINATION BY MS. COMSTOCK:

Question. Did there come a time—could you describe how files are placed in the vault?

Answer. There are shelves and I believe there are 70 bins about this size, 18-by-24 inch bins, and the files are legal size or regular size folders and they are placed inside these bins by codes, staff, volunteers, GSA, telephone, depending on what category you work at the White House.

Question. So are they filed alphabetically by office?

Answer. Yes, ma'am.

Question. And at any time did you learn what office in the White House these files had been, the too many files came from?

Answer. No.

Question. To your knowledge, was this group of too many files placed in the vault?

Answer. Yes.

Question. And did there come a time when they were removed from the vault?

Answer. Yes, ma'am.

Question. Could you describe how that came about?

Answer. I can't. They were archived by, I believe by Ms. Wetzl.

Question. And do you know why she did that?

Answer. It is just general practice when the vault becomes full or we have a group of files that we can archive—"archive" means, by the way, in the White House, not sent to the Archives. None of the files that we have at the White House actually leave the White House until the end of the presidency.

Question. Can you describe the process in which they were archived?

Answer. Yes, ma'am. The files are—

Mr. TURK. This is generally.

The WITNESS. The general procedures for archiving files in our office would be to take the files, alphabetize them, put them in a Records Management box, have a box code assigned by Records Management, alphabetize the list, make copies for both Personnel Security and Records Management's office so there is a duplicative list of—since we are remanding the files to Records Management, that we have lists that match up of what we are giving them; and I believe they take the files then to the 5th floor of the Executive Office Building, where we are able to retrieve the files, if necessary, and they have a checkout system.

EXAMINATION BY MS. COMSTOCK:

Question. And were you aware of any other material that was archived with these files?

Answer. No.

Question. Did you have any knowledge of who any of the people in these files were?

Answer. When?

Question. In 1993 or 1994.

Answer. No.

Question. Did you ever see any of the lists?

Answer. I don't believe that I ever worked on the Update Project, requesting files.

Question. Did you ever see the list that Miss—do you know who prepared the list?

Answer. I am not sure exactly which list they operated off, but I believe—

Mr. TURK. Let's get some clarification. The lists you are now talking about are these duplicative lists of what—

Ms. COMSTOCK. The "too many files" list is the list.

Mr. TURK. A list that might have been made when these documents were archived?

Ms. COMSTOCK. Yes.

Mr. TURK. I think what you first want to find out is whether he knows if that is in fact what happened, because I think when he testified earlier he was talking about the general procedure for archiving, having already said he didn't know what really happened with regard to the archiving of these files.

EXAMINATION BY MS. COMSTOCK:

Question. Ms. Wetzl had told you there were too many files ordered by Mr. Marceca, right?

Answer. She said something along the lines like "Tony had over-ordered files. Tony had requested too many files," something like that.

Question. Did you ask her what that meant?

Answer. At the time period, I thought that meant that people—as I said earlier, that people had since departed.

Question. And you didn't ask her to do anything with them?

Answer. No, ma'am. Our instructions from Ms. Gemmell and others was that if anything came into our office that was a presidential record, we were to treat it as a presidential record, secure its safety and store it in the vault. No one ever said, if you get a file that is not yours that you need to return it somewhere.

As I understood it, if we ordered it, then we were supposed to secure it and make sure it got to archives. That is the only information that I believe I was ever given by anybody.

Question. At the time Ms. Wetzl told you about the "too many files," did you consult with anybody about what should be done with these files?

Answer. I think it is important to frame this conversation.

It is not like she sat me down in a meeting and we were going over an office situation. As I recall it, it was more of a casual comment, not like she was alerting me or wrote a memo to me, or pointing out specific knowledge she had about the files.

I told you the inference I got from that, which was that these were people who had since departed.

Mr. TURK. Maybe you need to explain what you mean by, these are people who have since departed. I am not sure it is clear.

The WITNESS. When we came in that office, there was nothing in the vault that told us who was working there, and we were very dependent on the Secret Service and other career agencies, Office of Administration, for any kind of list of people that might still have access to the White House.

And—I am sorry, I lost my train of thought.

EXAMINATION BY MS. COMSTOCK:

Question. When Ms. Wetzl told you about these files in 1994, Ms. Gemmell was not at the White House, was she?

Answer. I don't recall, ma'am.

Question. Did you consult Ms. Gemmell at that time to see what should be done with the files, in 1994?

Answer. I don't have a specific recollection, but as I recall, speaking with Ms. Gemmell, our responsibility for any records coming into that office was to secure them and store them properly.

Question. When Ms. Wetzl told you about this, did you consult with anybody about what to do about these "too many files" that had been ordered?

Answer. I don't believe I did.

Mr. GOLDBERG. I have some questions.

EXAMINATION BY MR. GOLDBERG:

Question. Mr. Livingstone, thanks for coming back.

What did Ms. Gemmell do in your office? What was her role?

Answer. She had been there, I believe, almost 12 years and almost 26 years at the White House.

Question. Can you describe precisely what her job was in the office?

Answer. She was the Office Administrator.

Question. Did you have any reason to think that she didn't have a good institutional knowledge of how that office had operated over the previous years?

Answer. No, sir. When I interviewed people at the White House, everyone said that she would have no problem working with a new political administration, that she would give us good direction and try and train us to the best of her ability.

Question. When she gave you direction, did you have any reason to suspect that it wasn't a well-intentioned direction of how the process should be followed?

Answer. Absolutely not.

Question. Did she discuss with you a process for updating security files in general? I am not talking particularly about the Update Project. In general, did she discuss with you the process for updated security files?

Answer. I don't recall having a conversation with her about that.

Question. What understanding did you have of the process that your office needed to use for updating security files?

Answer. I think it is important to say, when we came into that office, there is not a manual, there is not a book, there is not a guide. The women who were with the previous administration did their best to give us copies of some lists and forms, a form in fact that they apparently whited out and typed Mr. Nussbaum's name on for us. We eventually got a new one on the computer.

Question. Could you explain that?

Answer. The form that was in the paper recently with Mr. Dale.

Question. That is the same form that had been used, but the name had been whited out?

Answer. I believe that form had been used for close to 20 years.

Question. What do you base that on?

Answer. I know I had a form in the office for Mr. Gray, and I asked someone about that and they said that form had been used by many administrations.

Question. So you didn't have any knowledge or understanding of how, what the process was in general for updating security files, but at some point, I think your testimony was, Ms. Gemmell discussed with you what we are now referring to as the Update Project?

Answer. Yes.

Question. Can you discuss again exactly to your recollection what she told you about this project? did she use the term Update Project, do you remember?

Answer. I don't recall.

Question. Do you remember what she may have told you about this project or what needed to be done?

Answer. It wasn't the biggest of priorities because these people had already been cleared by, albeit a different administration's counsel, but Counsel's Office and Secret Service. So therefore they had been adjudicated properly and most of them would have had their permanent passes. So it wasn't a priority for us to get to work on these people as much as it was to get our new staff done.

Question. Who are you talking about, "these people"?

Answer. To be specific, these people who are the holdovers and other people from other government agencies or people that had been given access to the White House by the Bush or Reagan administration.

Question. So if they had already been adjudicated as having appropriate background files to be given access, what was the purpose for then recreating their files?

Answer. We needed to know—we needed to request—there are two functions.

Question. The files did not exist when you came in? They had been sent to the previous administration's archives?

Answer. That is correct.

Question. You had basically nothing in the vault?

Answer. They are treated as presidential records and remanded to the presidential library if the President decides to have a library.

Question. Then what was the reason for having to cull files on people who had already been adjudicated—

Answer. It is very difficult for me to recall when I learned of this, because it has been 3 years, but I believe the first time I learned of it was with Ms. Gemmell and that—that—that this was just a project that needed to be done, but she was going to start on it and that I could focus on other things.

Question. She came to you and told you that this was a project that needed to be done; is that your recollection?

Answer. I believe that is the case.

Question. Exactly what was it that needed to be done?

Answer. Certainly because I wasn't aware that it needed to be done, and that is what I base my recollection on.

Question. Did she discuss with you—procedures with you that needed to be done on this project?

Answer. If she did, I don't recall, but it is possible.

Question. Did you have any understanding at the time of what the procedures were?

Answer. That the individual would work off a list, type up the form that you see there and put it in a pouch which went to the FBI via courier.

Question. What would happen after the FBI received the form? What is your understanding of what would happen?

Answer. The FBI would respond to it, and if they had a copy of the previous report, they would send it. If they didn't, they would say, No report available.

Question. Did you review the responses that came in from the FBI?

Answer. I can't answer that question specifically. I believe that I looked at some—many thousands if not tens of thousands of those reports since I have been there, and I can't possibly recall which reports in that context I looked at.

Question. So you may have looked at reports that came in for other reasons and you may have also looked at reports that came in for this reason, but you just don't recall?

Answer. That is correct.

Question. When you looked at a report, what would be the purpose of looking at the report?

Answer. Specifically to see if there were any issues or concerns that this administration might have on a person's suitability for the position which they were in.

Question. Did you look at every report that came back from the FBI, or did your staff sort of make recommendations, which ones you needed to pay attention to?

Answer. I don't believe I looked at every single report. I think there were quite a few reports that said, No report attached, where there was no response which I wouldn't look at. I know that when Mr. Marceca was there, very often he would look at reports for me and he might note derogatory information, but I don't believe that he always discussed it with me.

When we say "derogatory information," "derogatory information" doesn't necessarily mean something heinous. It could be that you had a speeding ticket. That is considered derogatory information. There is no soft way to put the word. I just want to make it clear that unless it was something really serious, I doubt that Mr. Marceca would bring it to my attention.

Question. So you depended on your staff to bring to your attention problems that they may have had?

Answer. Yes.

Question. You wouldn't look at every report that came to the office, only those the staff determined—

Answer. I think in the first year I looked at a lot of the reports, but as we all got trained in our functions and our mission became clear, we—I trained my staff to look for certain types of information, and if there wasn't any of that type information, that I felt confident that they could make a decision if the information was derogatory or not.

Question. Can you recall today, going back three years, whether that transition from when you reviewed everything to when you relied on your staff took place prior to the initiation of the Update Project or after?

Answer. I believe it was in 1994 when Ms. Wetzl trained our staff.

Question. Do you believe that any of the update files that may have come into the office in 1993, that you probably reviewed?

Answer. I won't say probably, but I will say it is possible.

Question. Do you have a general recollection?

Answer. I am not trying to be difficult. I reviewed many thousands of files, and I just can't, looking at that list of names there, say I remember reviewing that file.

Question. And again, the purpose of reviewing any file, even if someone had access, was to readjudicate?

Answer. The only purpose is to always check for suitability issues.

Question. Who received the reports from the FBI? Were they addressed specifically to someone in your office?

Answer. Well, I want to be specific here. Background investigations go to Associate Counsel.

Question. "Background" is when you request a full field background because there is no existing file on a person; is that a correct understanding?

Answer. It is partially correct. A background investigation would be initiated for several reasons, one of which is a new employee for access to the complex, employment in the Federal Government.

Another would be for reinvestigation, which is required every five years.

Another would be if an investigation were more than a year old, the White House would ask for a limited update. And other reasons. But those would go to counsel prior to coming to us.

Question. What about the update reports, which I am assuming were nothing more than the preexisting FBI files?

Answer. Well, first of all, you need to put your fingers a whole lot closer. To be clear—and I have read this in the paper day after day—most of the update reports, particularly having looked at them recently, are one or two pages and it reads like a resume, where you were born, your name, where you went to school, if you are married or divorced, your job history, and that is about it, unless you have serious derogatory information.

What concerns me is that people should understand that all these people worked for the previous White House or had access to the previous White House. Therefore, 99 percent of them probably didn't have any derogatory. There was nothing we were reading other than what they probably hand out on a professional level.

Question. Those reports, do you know if they went to the Counsel's Office or to your office, if the FBI delivered them?

Answer. I believe they came to our office first.

Question. Do you know who they were delivered to in your office? Would they have a name on them?

Answer. No, it would be Mari, Lisa; it would be Mari, Tony, Lisa, Ed, Jonathan and—from this time period, would be people that would receive them.

Question. What I am confused about is that the form we have seen, which says Nussbaum, doesn't appear to have someone in the office's name on it. The FBI may know to go to your office, but how would they know who in the office to deliver it to?

Answer. The room itself is not that big and, when they came in, one of those people would sign for them.

Question. So somebody would open it and determine what it was and distribute it—

Answer. If it were an envelope, he would put it in somebody's hands in an envelope. If he were picking it up, there was a courier spot where the courier would pick it up.

Question. Did you approve every request that went to the FBI?

Answer. Certainly not.

Question. Why not?

Answer. Until recently I didn't see a reason to, and as explained to me at the beginning, when I started, there wasn't any procedure for that. If there was, we would have adopted it.

Question. Did you have any discussions that you can recall specifically with people that were in the office from previous administrations, where they told you that the standard process was not for you to review the forms?

Answer. No. I don't think anybody from the previous administration said, don't review the forms, no.

Question. Did you have any understanding from the holdovers in your office about what the process had been?

Answer. Other than that I was to review for derogatory information—

Question. I meant the forms going out.

Answer. No. They said fill it out and make a copy for the file and put it in the pouch and they come pick it up, period.

Question. How many forms do you have an understanding, in 1993, went out in a given day or week?

Answer. As I recall from the GAO report, the FBI said they did 30,000 of those reports for me since '93—excuse me, the beginning of the administration.

Question. So logistically it may have been impossible for you to review every one of the forms that went out. Do you have any understanding, how many went out on a regular basis in the early months?

Answer. Thousands.

Question. Did you discuss with Ms. Gemmell whether these procedures that she was using were the same as had been used in previous White Houses for this Update Project?

Answer. As I stated before, I don't recall having an in-depth conversation on the Update Project with her.

Question. Do you have any recollection of whether she said, this is something we need to do when any administration changes?

Answer. Yes.

Question. What do you recall about that part of the conversation?

Answer. It seemed fairly innocuous, this was something we had to do, she said specifically, I believe, that from Reagan to Bush even that they didn't have the records and that it was very difficult, but this is the way to do it and we will get some people on it. Something along those lines.

Question. When Mr. Marceca came in on his detail, do you recall whether he overlapped with Ms. Gemmell?

Answer. I am not positive, but I believe that is possible.

Question. Did he discuss with you that he had been working on this project?

Answer. Other than that he was working on it, we didn't have any conversations about him working on it.

Question. So you were vaguely aware that he was working on it, but didn't know the procedures he might be using; is that your understanding?

Answer. I don't have a specific recollection of talking to anyone about when Tony started or if Tony was trained properly on it.

Question. I think you stated before that Ms. Gemmell instructed usual office personnel to go off of the Secret Service list for purposes of the Update Project.

Answer. To the best of my recollection.

Question. Do you have any understanding of why you would use the Secret Service list as opposed to just going to the personnel office and asking who was currently employed by the White House?

Answer. As I stated before, most of the people are not employed by the White House. Most of the people that have access to White House—therefore, need to have a file, therefore, a need for us to know who they are—are housed outside the complex.

Question. Is it your understanding that the Secret Service is the only one who has a list, if there is such a list, of people who would be on an access list? Would any other office in the White House have a list of people who would need access to the White House?

Answer. No. That certainly has changed.

Mr. TURK. I think he means at the time, in 1993.

The WITNESS. At the time in '93, as I stated, I don't know the involvement at the early part of the Update Project, so I don't know exactly what list they went off of. I am confident the major list was the Secret Service list.

EXAMINATION BY MR. GOLDBERG:

Question. And it is your recollection that from what you knew in '93, that was the appropriate place to go if you wanted to do an Update Project?

Answer. Yes, but I want to say that I don't in any way cast aspersions, blame, seek to infer that the Secret Service made an error or screwed up or anything. All I am saying—you have asked me a specific question, but I want it made clear that I am not accusing the Secret Service; I am just trying to give the facts. I would like to state that for the record.

I thought—I thought that the Secret Service, who is there 7 days a week, 24 hours a day, 365 days a year, who had a wonderful looking computer printout—and I say that because in the office prior to me they typed most of their stuff by hand, and the things that we did get were carbon copies, and there wasn't anything in the computer. So I wasn't sure how up to date certain things were.

I thought at that time that the best list to go with was the Secret Service list, because they are responsible at the present complex, ensuring that people who ought to have access to White House be identified.

Question. Was it your decision initially to use the Secret Service list, or do you recall if Ms. Gemmell decided to use the Secret Service list, or was it your decision?

Answer. As I stated earlier I don't recall how the project was initiated. I don't recall having a discussion saying that, where I was in charge of the project and saying, this is what I want done. I don't believe that happened.

Question. Did there come a time in '93 when you realized that who you thought might be employed at the White House, the list that you thought might be of the White House was not an accurate list?

Answer. I don't know when we specifically started to clean up the list, but I do know that a year into the administration we spent a lot of time going name by name by name and trying to clean up the list.

Question. Do you recall what prompted that?

Answer. I don't recall a specific instance, no.

Question. When you were doing this, did it—did you have in your mind that it was also related to the list that Ms. Gemmell and Mr. Marceca may have been—the project they may have been using or the list they may have going off of, or was that two separate issues?

Answer. In my mind, that was two separate issues, and I did not make a connection.

Question. So even though you might have thought that you could get it through an updated list and get the list as accurate as possible and connect that with—

Answer. I want to be precise. I am not saying that I was—while they were doing the update list, I was taking off names right and left. I specifically said, I don't recall when we started reviewing it and I don't recall making the connection between the two.

Question. Can you describe exactly what steps you were taking to address the problem that you perceived, not having an accurate list of who was—who had access?

Answer. Well, can I tell you what I know?

Question. That would be always—

Answer. What I know is there was a project called the Bunny Base Project.

Question. Can you describe that?

Answer. Yes. The Bunny Base Project—just like it sounds, “bunny” and “base”—was a project that was initiated, I think in '93 or '94, so that everybody could get—that worked at the White House or had an appropriate White House pass could get an Easter egg from the President.

But this is important, because it goes to heart of what I am trying to say.

Question. Was this had around Easter of '94?

Answer. I think that is correct. I am not positive. I think that is a fair assumption, but I don't know how early they started it.

The reason I mention this is, I remember as a result of that project, talking with Lisa and others about the difficulty that—when you had asked me, why didn't I check with Personnel, well, Personnel would call us and say, Hey, we don't have this person on our list as being personnel, invariably we would call them back and say, Oh, yes, this is where they work.

So you know, just trying to talk about the breadth of record-keeping and the people that are coming and going and people that are leaving and not checking out properly, and all those issues, the reason I mention the Bunny Base Project, that is a project that was trying—that is something that I specifically remember where different people were involved at the White House in trying to clean up the Secret

Service list and other internal lists so we would have an accurate accounting of who was at the White House, who requires access to the White House and why.

As a result of that, we have a computer tracking system now in our office that we can tell you when people come and go—provided, of course, they tell us when they go. But better than that, we can tell you when they submitted their paperwork, when they got their clearance, when their paperwork is completed, IRS, it is all in the computer now for every person that has a pass, that is active on this current Secret Service list. So if I were to leave Monday, the person that replaces me would be able to come into that office and it would be fully automated.

Question. Is this a system that your office created?

Answer. We didn't invent the tracking system, of course, but other offices in the government use it, and we employed it.

Question. Do you recall how long it took you from the Bunny Base Project to—can you describe the time line from the Bunny Base Project to when this system became operative?

Answer. I think in '94 was when our office got its act together with the help of management, with Mr. Panetta coming in and Mrs. Torkelson and the Management Administration. We began to see support from other offices, simple things like letting us know when personnel leave so that we can properly note.

Question. When Mr. Marceca's detail was up, did he discuss with you the status of the Update Project?

Answer. I think Tony said something along the lines, he would like to stay and help out and finish it, something along those lines.

Question. But that obviously didn't happen, since he only made it up to G?

Answer. Yes. That is the extent, I think, of our conversation on it.

Question. Why did he leave?

Answer. I think Tony would have like to have stayed, but—

Mr. TURK. Was it a 6-month detail?

The WITNESS. Yes, it was a 6-month detailee which was not renewed.

EXAMINATION BY MR. GOLDBERG:

Question. Did he attempt to renew it, do you know?

Answer. Yes.

Question. Whose decision would it be to renew it?

Answer. I think initially at the White House it would have been Mr. Kennedy.

Question. Did you discuss with Mr. Kennedy whether or not to renew—

Answer. Yes. Mr. Kennedy did not want to renew his detail, which is not uncommon.

Question. Did he tell you why?

Answer. Based on—as I said, for everybody that comes to the White House, we do investigations; and based on his investigation, I think Mr. Kennedy decided not to renew his detail.

Question. Did Mr. Kennedy discuss with you what was in the investigation that—

Answer. Just in general terms.

Question. Can you relate those?

Answer. Something along the lines that he had some unresolved issues.

Question. When Ms. Wetzel took over the project, did she discuss with you that she was going to get into the project to try to finish it up?

Answer. I don't think we had a sit-down conversation about it. I think it was on her list of things to do, her mental list.

Question. Were you aware that she would be working on it?

Answer. Yes. As I said, in 1994, when we got the support from the Chief of Staff's memo—everybody get their paperwork in on time, and by a specific time, we—we were able to focus on cleaning all the lists and delivering the kind of accountability which our office should be able to deliver, which is what I said as far as being able to account for every pass that is listed as active by the Secret Service, having a file or some documentation that these people have a reason to be there.

Question. Did she ever tell you that files had been requested on individuals either no longer employed by the White House or obviously not in need of access to the White House?

Answer. No. I think what she said, to be specific, is that Tony had over-ordered files.

Question. Did she complete the project, to your knowledge?

Answer. Yes, she did. She told me she had completed the project.

Question. So after she left the White House, the project was finished and there was no need to continue on the project?

Answer. The Update Project, I guess that is a fair statement. But not entirely. I mean, the Update Project is an ongoing thing. It is in a sense that anybody that requires a reinvestigation would be part of the Update Project.

The people that have been there since '90, for example, would require and do get reinvestigations. So what we have now is a notebook which lists all the employees outside of the political offices of the White House—for example GSA, telephone, employees of the residence, National Park Service, et cetera; we have an accounting of each of their passes, and then on that form it says when their last investigation is and when we need their next investigation, and from the tracking system, which I talked to you about, we get a quarterly report that tells us when someone is within four months of needing a reinvestigation, and we call them on the phone, tell them to come get their paperwork, and the paperwork is submitted for reinvestigation.

So, to be precise, the Update Project is a never-ending thing. It is just very precise now.

Question. In the course of your job, as you are reviewing an FBI file on somebody and you become aware of what you might perceive to be a problem, do you raise that to the head of the office that person is being considered for access to, or do you make a determination yourself?

Answer. I am sorry?

Question. As a general process, when you review an FBI report, say that you find information that you believe might be significant, whether someone is given access, what do you do with that information?

Answer. As I said earlier—when you asked about the process, I mentioned that background investigations first go to counsel. I may never see a background investigation. If counsel determines that a person is not suitable or they don't want to continue the investigation, they will inform us in Personnel that the person will be separated.

Question. What about the thousands of reports you reviewed?

Answer. They will come to my office and—actually, we have someone pick them up from Counsel's Office. At their request, we have a box in their office, and counsel comments on it like, this person has an expired driver's license according to the FBI, confirm that they get their driver's license renewed.

What we do is, we call the people up—I call the people up and say, hey, the FBI tells us—my wife and I just moved to Virginia and we didn't have a chance to get a new license, blah, blah, blah. I say, just bring me a copy of your license and we will get it corrected. Then I inform counsel, and if that is the only issue, we then forward it to the Secret Service.

Question. So the flow of paperwork is from Counsel's Office to your shop and not the other way around?

Answer. Yes, sir.

Question. But not for the Update Project?

Answer. For the Update Project, it is a copy of a previous report. Counsel has already reviewed it. They employ the same system that we have; and the copy of a previous report, we treat as a name check, which is done on everybody that comes into the White House. They name-check every single person that comes into the White House, other than an appointment, or to an event, as a name check—all the volunteers, all the interns, all staff, all the postal workers, everybody that passes through on a regular basis has a name check done.

If you do a name check, the copy of a previous report would come anyway. I am trying to explain the logic of it getting to us.

Question. Did Mr. Nussbaum review each request?

Answer. No.

Question. You stated prior in that administration the name on the form was Mr. Gray's?

Answer. Well, I don't know that for a fact. However, I had the document—I have several documents in my office, many of which came back months—of course Mr. Gray was counsel in the previous administration, and anything that he sent in up to January 19th would, of course, come back to us with his name on it. So of course we would have all the documentation that he sent, and it is exactly the same thing that we sent. Therefore, we always assumed we were doing the right thing.

Question. Let me just clarify, when the FBI returned something that had been previously requested by Mr. Gray, they would return his form on the file?

Answer. Oh, yes, absolutely.

Question. Did you review any of the forms that came in in the early months and days of the administration?

Answer. I am sure I did. I recall seeing them.

Question. Do you recall whether it has a signature or initials?

Answer. No, it didn't.

Question. Did not. How did you learn that? Despite the name of the counsel on the requested form, the counsel didn't personally sign off on every one of these requests?

Answer. I think by matter of practice. Before I actually started, I was in the office for a little while, and I watched what they did, and I tried to learn by example.

There were—when I was first in the office, there were four previous administration employees in the office, two of which resigned within a week or two of me being there, very nice people, and they were very happy to let me look over their shoulder, and I know for a fact that I employed the same procedures and protective standards that they did in regards to requesting name checks.

Question. You stated that Jane, I think it is Hanour—

Answer. Dannenhauer, I believe.

Question. Who is she?

Answer. She was my predecessor in the Bush and Reagan Administrations.

Question. You say she was in the office for about a month before?

Answer. She stayed over for about a month; that is correct.

Question. Did she have discussions with you about the process the office should use?

Answer. No. As I recall—yes, general stuff of course, but, you know, like I said, there wasn't a manual or a book.

They were very kind to give us a notebook which had copies of all the forms, including the one I assume they made for us where it was whited out; Mr. Nussbaum's name was typed over Mr. Gray. This was that, a collection of books; these are the forms you should use; this is the form you should use, the SF-86, and this how you should fill it out; this is the form you should use for requesting the name check of course; this is the form for IRS report, et cetera, et cetera.

There wasn't like we have now through the White House and its efforts to tighten and provide better service. We have a notebook in our office now that has office procedures. There is nothing political in it at all.

If this administration were to change, I would be very happy or I am sure any predecessor or person who follows me, give it to person and say, "Here; these are the things you want to do from day 1, and this is what you want to avoid." Page 1 is your Government operations edict on 30 days and 6 months. It is the first thing in the book everybody reads. The paperwork will be done in 30 days, and you get your permanent pass in 6 months. That is the first thing everybody reads.

Question. Just to go back, do you recall what Ms. Dannenhauer did during roughly that month she was in your office?

Answer. I think she was very helpful in us getting our stuff in. As I recall, she was helping us with issues of access more than anything else.

Question. Do you recall when you took over that office whether there were any written procedures such as you described and since created?

Answer. There weren't, and I had asked for them.

Question. Who did you ask for them?

Answer. I am pretty sure Ms. Gemmell.

Question. And she told you—they told you there was none?

Answer. Right; there wasn't a book—an office manual.

Question. What about for the purpose of requesting files from the FBI? Was there any written procedures?

Answer. No. They just told you how to do it literally. We were sitting in a room as I described, and there is a shelf over here with an envelope. The forms are here. You fill in the name. You put in the date of birth or information as you have it. You put it in the pass. They pick it up and bring it back in 10, 14 days. You review it. If there are no problems, you create a file, you put it in the file. If there is supporting information for a pass or something like that in the file, you move on to the next step.

Question. Let me just ask you a couple of questions for the record. Were you ever instructed by anyone to obtain FBI information on individuals no longer employed or being considered for employment or access to the White House?

Answer. Only because I am not an attorney. I don't—that question sounds a little more open-ended. You are asking me, did anybody ask me to get a file—request a file from the FBI and that I knew they were from—

Question. That is what I mean.

Answer. I am sorry, I was trying to be precise.

Question. That is a good clarification. Were you ever instructed—

Answer. Absolutely not.

Question. Did you ever knowingly instruct anybody on file to access—

Answer. Let me go back to that first question, because I think that that question is troublesome in the sense, I knew of people that had to do name checks on—that

were from a previous administration that were being considered for the Bush Library, or the President's Foreign Intelligence Advisory Board, or the CIA, or whatever.

Question. Your job went beyond the White House, it went to other entities that had presidential function?

Answer. Just as a liaison. I want to be precise, because I want—I don't want you to think I am saying one thing and I mean another. I mean another—you know what I mean. Sorry, that didn't make any sense.

I want to be precise. If I didn't have documentation if someone came to me in Counsel's Office and said—and nobody from any other office would come to me unless it was from in conjunction for personnel security, period. If this helps answer the question, no one outside the personnel security issue would ever ask me for a file.

Jack Gibbons from the Office of Science and Technology would be requesting to give an award on behalf of the President for metal and sciences. I don't have any knowledge that their employee would require access to the White House, but when I get from Mr. Gibbons and—which file and we put—we sent to counsel a letter saying this person has been nominated for this particular award and this is why we are asking for those names.

I am just trying to be precise. There are reasons that if someone didn't work there, there—I would request it. I am not trying to be confusing; I am sorry.

Question. Let me go back to who in your office actually could request FBI files using the form we discussed with Mr. Nussbaum's name on. Could anybody in your office, including a secretary, fill out a form?

Answer. Any staffer?

Question. Any staffer?

Answer. In fact—in fact—I know for a fact that we often have interns and volunteers—not volunteers but interns type them up for us at our request.

Question. What kind of oversight do you provide?

Answer. Again, I am not directly involved in it. I am now.

Question. When you say “now,” you mean in the last 10 days?

Answer. Right. But at the time I depended on Lisa and Mary or Jonathan or Ed to make sure that nothing went—to the best of their ability, nothing went into the packet.

But other offices come in there and put stuff in our packets—our pouch, Counsel's Office from upstairs for presidential appointments, et cetera. The Secret Service puts information in that packet; other Counsel's Office.

Question. Could any office besides the ones you just mentioned—could the Correspondence Office come in and put a request?

Answer. I have no way of accounting at that time period who could have put anything in that packet. Since that time, counsel has taken corrective action.

Ms. COMSTOCK. Since what time?

The WITNESS. Since your inquiry.

EXAMINATION BY MR. GOLDBERG:

Question. To your knowledge is there any way the counsel whose name is on that form would have any idea who was using that form?

Answer. I am sorry.

Question. Is there any way that the counsel whose name was on that form, in this case Mr. Nussbaum, would have any idea who was using those forms to request files?

Answer. I don't believe I ever talked to Mr. Nussbaum. I know I never talked to Mr. Nussbaum about—

Mr. TURK. That wasn't the question.

The WITNESS. What is the question? I am sorry.

Mr. TURK. The question was, do you have any—do you know if the person whose name is on the form has any way of knowing, you know, through some kind of procedure that is set up or whatever—

The WITNESS. At that time, no.

Mr. GOLDBERG. That is all I have right now.

Mr. TURK. Let's take a 10-minute break; okay.

Ms. COMSTOCK. We usually in our depositions—as you know, Minority has questions. That is the reason it takes longer.

[Discussion held off the record.]

EXAMINATION BY MS. COMSTOCK:

Question. Back on the record here. Were you aware of the FBI calling your office in December to inquire about the large number of requests that were arriving for copies of previous reports?

Mr. TURK. December of what year? December of 1993.

The WITNESS. I don't recall.

Mr. TURK. Was that call—was a call was made in December of 1993 to the Office of White House Personnel Security.

Ms. COMSTOCK. Yes, I am asking if you are aware of a call—

Mr. TURK. Are you saying there was such a call?

Ms. COMSTOCK. I am asking if he was aware of such a call.

Mr. TURK. By asking if you are aware, it makes it sound like there was such a call. Are you testifying?

Ms. COMSTOCK. No. I am asking if the witness is aware—why don't I broaden it a little bit.

EXAMINATION BY MS. COMSTOCK:

Question. Are you aware in the fall of 1993 or even early '94 of any calls from the FBI asking any questions about the unusually large number of requests for previous files?

Answer. I have no such knowledge.

Mr. TURK. I just—I want to clarify for the record, we all know there are questions like, "When did you stop beating your wife?" which assume in the question a fact that isn't necessarily true at all and of course wouldn't be in these circumstances.

My question is, when you ask if he is aware of phone calls coming from the FBI, are you testifying yourself that there were such calls?

Ms. COMSTOCK. I am asking, did you ever receive any phone call?

Mr. TURK. You are asking if he ever received any phone call, okay.

EXAMINATION BY MS. COMSTOCK:

Question. Did you ever receive any phone calls from the FBI discussing the unusually large number of requests for previous reports?

Answer. I have no knowledge or recollection of that.

Question. Do you have any knowledge of any such phone calls to your office?

Answer. About what you just asked?

Question. Yes.

Answer. No, I do not.

Question. Did anyone ever in your office ever bring to your attention that the FBI was asking about anything having to do about the update project?

Answer. I don't have any recollection.

Question. You had mentioned that you had looked at the FBI reports recently, and I don't want to mischaracterize your testimony. I was just wondering, did you look at the 330 files themselves recently, or did you look at the list?

It was a question Mr. Goldberg had asked you, and I just want to see what you meant there.

Why don't I ask you, have you looked at those files recently, at any of the 333 files that were identified on—why don't I provide you with a list.

I will show the witness a letter of June 13th, 1996, from Jane Sherburne of the White House. I will make this Exhibit 1. This is a letter to the committee, and attached to part of it is a list of 300-and-something-odd files that have been identified as the files—and this is a characterization from the White House—which were mistakenly obtained from the FBI in late 1993 and early 1994.

[Livingstone Deposition Exhibit No. 1 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Referring to this list, have you looked at any of these files recently?

Answer. I have looked at this file.

Question. And you are referring to?

Answer. I am sorry. Billy Dale, which I believe it is properly noted here that I requested on 6/6/96 at the request of White House counsel.

Question. And could you explain how that request came about?

Mr. TURK. If you know.

The WITNESS. I am not positive—

EXAMINATION BY MS. COMSTOCK:

Question. Who requested you from the White House Counsel's Office—why don't I strike the last question.

Mr. TURK. That is going to be a communication, an instruction, from somebody in the White House Counsel's Office to an employee—I am a little bit concerned about whether or not there are any privilege issues there. I don't know, and I don't want to raise—I am not objecting on grounds of privilege, but I am concerned about what it is that we may be getting into here.

You asked him, did he review? He asked him, has he reviewed any of these files recently?

Ms. COMSTOCK. Why don't we finish with that topic first.

Mr. TURK. Did you review Mr. Dale's file.

The WITNESS. I didn't review it.

Mr. TURK. Let's get—let's be specific here. She wants to know if you have reviewed what is in these files.

The WITNESS. I don't believe I reviewed the files.

Mr. TURK. All right.

The WITNESS. I am being specific.

EXAMINATION BY MS. COMSTOCK:

Question. And on this list of files, your name is next to Billy Ray Dale's file dated—and there is a date of June 6th, 1996, with your name. Could you tell us what that means, if you know?

Answer. I am having difficulty keeping this in context, but I believe that is when counsel requested it to be released to your committee.

Question. Well, I will state for the record, we received Mr. Dale's file on May 30th, 1996. So does that refresh your recollection as to as if there was another purpose why you may have obtained this file on June 6th, 1996?

Mr. TURK. Well, if the file was given to your office on the 30th of May, how could Mr. Livingstone have reviewed it on the 6th of June?

Ms. COMSTOCK. Well, we got a copy of the file. There is this notation on this list. I am just asking the witness if he has any knowledge of what occurred on June 6th, 1996, that has to do with him and Mr. Billy Ray Dale's file, if he knows.

The WITNESS. When did we return the files to the FBI? Could you help refresh my memory on that?

Ms. COMSTOCK. Actually, I believe the FBI indicated they received 333 files on June 6th.

The WITNESS. Okay. Then that is—I suspect that is what happened.

EXAMINATION BY MS. COMSTOCK:

Question. Now 333 files were returned on June 6th, and I am just wondering why that file in particular has your name dated—why Mr. Dale's file in particular has the June 6th date next to it in your name.

Mr. TURK. Whose handwriting is this?

Ms. COMSTOCK. Can the witness identify whose handwriting this is? We do not know.

The WITNESS. No.

Mr. TURK. You are asking why somebody else wrote his name on that document?

Ms. COMSTOCK. I am asking what he knows about June 6th, 1996, in this file.

I am sorry, there is no indication on this letter of June 13th from Jane Sherburne whose handwriting this is on this list. So, again, I am just giving the information that we have at this time.

Mr. TURK. And this handwriting, you are representing that this handwriting was on the document when we received it from the White House, yes. We have no knowledge about what the handwriting is, and we can—

Mr. TURK. Is that your handwriting, Mr. Livingstone?

The WITNESS. No.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know if it's—you recognize it as anyone from your's office handwriting, if you know?

Answer. It does look familiar to me to be someone in Records Management's handwriting—looks familiar.

EXAMINATION BY MS. COMSTOCK:

Question. So can you tell us anything else about June 6th and Mr. Dale's file and what you may have been, if anything, doing with Mr. Dale's file on June 6th, 1996?

Answer. I know that the only time I have requested Mr. Dale's file or this other file was in response to counsel's request. I had no personal need to have his file.

Question. When did you first learn of Mr. Dale's file being in the White House?

Answer. I don't have a specific memory of that.

Mr. TURK. Are you asking him when was he aware that it was—Mr. Dale's file was—that there was a file from Mr. Dale in the White House?

Ms. COMSTOCK. When did you first learn that Mr.—you had previously testified or—when you arrived at the White House for the holdover employees, you said there were no FBI background files; is that correct?

Answer. That is correct.

Question. And initially, in 1993, Mr. Dale was a holdover employee; is that correct?

Answer. That is correct.

Question. And you recall how Mr. Dale left the White House, don't you?

Answer. That is correct.

Question. And, in fact, on May 19th—on May 19th, 1993, showing the witness a memo, which is CGE 33034 memorandum to Arnie Cole from Craig Livingstone regarding restricted access. It has the names of seven Travel Office employees to be put on restricted access. I believe, "Please place the following people on restricted access," I think is referred to as also as, "Do not admit." Is that correct?

Answer. It says, "Restricted access," so—

Question. On May 19th, 1993, do you recall doing this memo?

Answer. Thereabouts.

Ms. COMSTOCK. Let me make that Exhibit 2.

[Livingstone Deposition Exhibit No. 2 was marked for identification.]

Ms. COMSTOCK. Showing the witness CGE 4361 through 4362, which is Mr. Billy Ray Dale—it is a request form dated December 20th, 1993, to FBI Liaison from Bernie Nussbaum. The subject is FBI investigations—and the subject's name is Billy Ray Dale—we request—and the part that is checked there is a previous report and the person named above is being considered for access.

EXAMINATION BY MS. COMSTOCK:

Question. Do you have any knowledge of a request for Mr. Dale's previous report in December of 1993?

Answer. No.

Question. When did you first see this form?

Answer. I don't recall when I first saw it.

Question. Can you place it in the past month?

Answer. No. I think it is in the last year or possibly two, but I don't recall.

Question. When you—describe when you learn Mr. Dale's files had been obtained from the FBI.

Answer. I am not sure. I believe it was in response to one of the reviews that we had.

Question. What reviews? I am sorry.

Answer. I think it was an external review, but I am not sure. Can you refresh my memory? Can I ask you a question? Can you refresh my memory that the GAO did a review of the Travel Office?

Question. Yes, they did a review of the Travel Office from December of 1993. It was completed in May of 1994.

Answer. It may have been in response to that. Counsel may have asked us to provide—

Mr. TURK. Mr. Livingstone, I think it is important that you testify about what you recall, not about what is possible. The question is, I believe, not—I don't believe Ms. Comstock is interested in what is possible. I think she wants to know what you recall, and she asked you—

The WITNESS. I don't have a specific recollection.

Mr. TURK. When do you recall having seen Mr. Dale's file?

The WITNESS. I don't.

EXAMINATION BY MS. COMSTOCK:

Question. So it is sometime in the past year or two?

Answer. No, I don't know when. I am sorry, I don't have a specific recollection when.

Mr. TURK. Have you seen it within the last several weeks?

The WITNESS. Yes.

EXAMINATION BY MS. COMSTOCK:

Question. Prior to the last several weeks, do you have a general recollection of having had any knowledge of Mr. Dale's file being obtained by the current administration?

Answer. I have no knowledge of it. I have a recollection.

Mr. TURK. Well, okay, if you have a recollection, testify about your recollection.

The WITNESS. Again, I am trying to be precise. I seem to remember producing it to counsel at some point in one of these investigations around the GAO. Possibly Mr. Eggleston.

Ms. COMSTOCK. I will make this Exhibit 3.

[Livingstone Deposition Exhibit No. 3 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Did you ever review Mr. Dale's—the contents of Mr. Dale's file? Do you recall looking at the contents of this file, the FBI summaries themselves?

Answer. Yes.

Question. And when did you do so?

Answer. I don't recall a specific date.

Question. Do you know if it was before this year?

Answer. I don't recall.

Question. Do you know for what purpose you reviewed Mr. Dale's file?

Answer. I believe it was a response when I was asked to produce documents on the Travel Office that we had. And, again, I think it was the GAO, but I am not positive.

Question. Have you looked at—aside from the June 6th notation that is here from Mr. Dale's file, did somebody ask you to obtain Mr. Dale's file on June 6th or thereabouts?

Answer. I would have to check with my staff. As I recall, the file was checked out to me. I didn't actually go to Records Management and check it out. As I recall, someone from my staff checked it out for us. But I don't recall June 6th exactly. That is why I am having trouble. I know when we were asked to produce it we did, and I don't know the events after. I could verify that with my staff probably, but I don't know—assuming they know.

Question. Did you have any knowledge that the FBI was working—about the FBI working overtime in December of 1993 to respond to the—to any large volume of requests that you had made for previous reports?

Mr. TURK. Are you asking him if he has any knowledge about the FBI working overtime? There must be 10,000 people with the FBI, and he didn't make requests for these—

EXAMINATION BY MS. COMSTOCK:

Question. Did your office make any requests for these reports?

Mr. TURK. He already testified he wasn't involved in this, that that was a process that was being done by other people and that he did not review these request forms. But still, the idea that he would be—have knowledge of the FBI working overtime does seem—

EXAMINATION BY MS. COMSTOCK:

Question. Do you have any knowledge of that? Do you have any knowledge?

Answer. I don't recall anybody calling me up saying, "Hey this is breaking our backs; why are you guys doing this?"

Question. Do you have any knowledge of the additional 71 files which were turned over to the FBI from the White House yesterday that have also been—were mistakenly provided to your office sometime in late 1993 or early 1994?

Mr. TURK. Answer that if you can but without disclosing any information you have received from counsel.

The WITNESS. We were given lists, and we produced it.

EXAMINATION BY MS. COMSTOCK:

Question. Who was given a list?

Answer. My office was given the list.

Question. Since these events have occurred, you have continued to be the director of the Office of Personnel Security?

Answer. Yes, ma'am.

Question. And you have still been involved in responding to the Independent Counsel's request and the FBI's request?

Answer. Yes, ma'am.

Question. As well as this committee's request?

Answer. Yes, ma'am.

Question. Has anybody talked to you about recusing yourselves from these matters during this time?

Mr. TURK. What would be the basis for asking him to do that?

Ms. COMSTOCK. I am asking if anyone has asked him that.

Mr. TURK. Your question suggests that there is some reason why somebody could ask him to do that.

Ms. COMSTOCK. I am not asking whether it is a reason. I am asking if anyone had asked him to recuse himself at any time.

Mr. TURK. She is asking if you suggested that you should not be involved in anything having to do with this matter because—for any reason.

Ms. COMSTOCK. I——

The WITNESS. What is the question?

EXAMINATION BY MS. COMSTOCK:

Question. Has anyone talked to you about you not being involved with responding to the inquiries regarding these files and what has been described by the White House as a snafu?

Mr. TURK. I think his answer was no, but——

Ms. COMSTOCK. I don't know if I heard that.

Mr. TURK. You asked him whether he has been asked to recuse himself, and I think he has made it pretty clear he doesn't understand what that word means.

You are asking him has anybody come to you and suggested that you should have no involvement from now on or, from whenever that conversation took place, you should have no further involvement in anything having to do with responding to requests for documents having to do with this issue, whether those requests come from the——

Ms. COMSTOCK. Yes, I would just like an answer to that question, if anyone talked to him.

The WITNESS. No.

EXAMINATION BY MS. COMSTOCK:

Question. No one has talked to you about that, so no one has talked——

Mr. TURK. You don't need to keep asking as if it was incredible that no one talked about it. That was my objection to that question before.

EXAMINATION BY MS. COMSTOCK:

Question. Are you aware—how did—was a list provided to you of these additional 71 files that needed to be provided to the FBI?

Mr. TURK. I am sorry; can you read that back?

[The reporter read back, as requested.]

Mr. TURK. You want to ask that again?

EXAMINATION BY MS. COMSTOCK:

Question. Did anyone provide you a list of names for the additional 71 files that needed to be turned over to the FBI?

Answer. To answer your question specifically, we were given a list and we were told to give them information on what we had on the files. They didn't explain to me what the project was for.

Question. Do you know where this list of 71 names came from?

Answer. No, ma'am.

Question. Who gave you the list?

Answer. Counsel—Ms. Sally Paxton.

Question. Is Sally Paxton your current supervisor?

I am sorry, it has changed quite a bit over the time. I know we did go through that before. I believe you—currently, is Mr. Cerf still your supervisor?

Answer. No.

Question. Who is your supervisor now?

Answer. Tray Schroeder. I believe that is S-C-H-R-O-D-E-R.

Question. And is he in the Counsel's Office?

Answer. Yes, ma'am.

Question. And he is an attorney?

Answer. I believe so.

Question. And it is Ms. Paxton who gave you the list of 71 names?

Answer. To be precise, she gave them to Ed Hughes who works for me.

Question. And do you know what she told Mr. Hughes about those names?

Answer. That we were to find out if we had the files and to notify them if we did.

Question. And where were those 71 files located?

Answer. I believe most of them were in archives, or archived in the White House, to be precise.

Question. Did you have an independent list of those 71 names?

Mr. TURK. What does that mean?

EXAMINATION BY MS. COMSTOCK:

Question. Did you have a list yourself of those 71 people anywhere aside from a preexisting?

Mr. TURK. Of the 71 names?

EXAMINATION BY MS. COMSTOCK:

Question. Did you have—this list here, that is an Exhibit 1 of the 300 or so names. That is dated at the top of it “White House Personnel Security Files Staff Prior to 1/20/1993.” Do you have any knowledge if that list was in your office at any time?

Answer. I believe that it was.

Question. Had you ever seen this list prior to the past month or so?

Answer. I don’t believe that I did.

Mr. TURK. Do you know when this list was generated?

The WITNESS. No. This list was part of a group of archived lists of files, and I believe I have testified that I wasn’t aware of this list until I was presented with it.

If counsel could help refresh my memory—

EXAMINATION BY MS. COMSTOCK:

Question. Do you have any knowledge—do you have any knowledge of an additional—17 other White House file requests that are still to be determined, whether or not they were improperly obtained or not?

Answer. I was never—that is why I didn’t understand what you meant by recuse; I don’t know anything about the specifics of the project to answer your question.

Mr. TURK. No, she is asking you now—she is reading from the immediate release—a press release from the Federal Bureau of Investigation, released today by Director Louis Freeh, which you have not had the opportunity to see or read or know anything about. But apparently there is some reference in there to an issue that the FBI is still looking into 17 files which she just wants to know if you know anything about that.

If you do, say so; if you don’t, say you don’t.

The WITNESS. I know from looking at what they asked us to look for that during this general time period of December 1993, files that they asked us to look for that were similar to this, some of them were people that had separated and come back to the White House, and some of them are interns for two sessions and there was a gap between when the name check was requested and when they came back and I was told that when I explained it to him that there were discrepancies between what they asked us to look for and what they stated they looked for, and I believe that is what she is talking about was a part of that group.

Mr. TURK. Are you guessing?

The WITNESS. Oh, yeah.

Mr. TURK. Why don’t you just testify about what you know as opposed to guess?

The WITNESS. Okay, I don’t know that for a fact.

Mr. TURK. Let’s go off the record.

EXAMINATION BY MS. COMSTOCK:

Question. Do you have any knowledge if these 71 files, or 17 other files, if these are within the alphabet, A to G-O?

Answer. I don’t recall specifically, and I don’t recall that it was 71. I would like to state for the record, I don’t recall the specific number of files.

Question. You do recall you were asked to pull an additional volume of files?

Answer. By Ms. Sally Paxton.

Question. Were all of those files located in the archives?

Answer. I don't recall if all of them were.

Mr. TURK. Were you personally pulling the files.

The WITNESS. No. The second part of the project Mr. Hughes and Mr. Jonathan Dembo worked on them.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know if any of these files were still in the vault?

Answer. I don't recall.

Question. Would they have been anyplace besides archives or the vault, if you know?

Answer. I have no knowledge.

Question. Would they have been, or were they—would they have been?

Mr. TURK. No, wait a minute. Would they have been? Ask him if he knows whether they were.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know if files at any time would be at any place besides your vault—

Mr. TURK. No, no, you don't—just ask him, under any circumstances, if there could be a file someplace besides in the vault or in the archives. Is that what you want to ask him?

Ms. COMSTOCK. For these files, these mistakenly obtained files, if he knows if they have been any other place besides his vault in his office or archives at any time.

Mr. TURK. I believe he has already testified, at least with regard to the Billy Dale file.

The WITNESS. I don't have any personal knowledge of—you are asking me about these files here now?

EXAMINATION BY MS. COMSTOCK:

Question. The list of 330 or 3-whatever is on this list that we are referring to in Exhibit 1.

Answer. I don't have any reason to believe they would have gone anywhere outside the office. I don't—I don't—I know that outside of official circumstances, meaning I knew the person was going to be Mr. Bush's library lawyer or something, I would not have looked at—produced these files to anyone outside of my office for any reason.

Question. When you got the files from the FBI—when the files came in from the FBI, if I correctly understood your answers to Mr. Goldberg's questions, did you review some of—do you recall reviewing any of these files in this list?

Answer. No, I don't have any recollection of reviewing them when they came in.

Question. Do you recall—

Answer. I don't think it is possible to know.

Question. It is possible for you to have a recollection?

Answer. I think it is impossible for me to specifically recall—I can't—I am trying to sit here and think in my head if there is a file I can recall that came in back in 1993.

Question. Do you recall ever reviewing James Baker III's file?

Answer. I will say it is possible, but I don't recall it and, again, it wouldn't seem improbable or outside of the realm of my duties if someone placed—I had a box on my desk at that time. If somebody placed files in my box to review, I would assume that, being placed in that box, that these people had some reason for access or being considered for an appointment or a job. Therefore, I would look at it if—to answer your question directly for Mr. Baker, if it was Mr. Baker and if, in fact, Mr. Baker had a report; and I don't have any knowledge that it was—had a report attached to it, then I probably would have read it because I would have assumed that is why it is in my box. I would have ticked it off or given it back to anybody—

Mr. TURK. Mr. Livingstone, she asked you, did you have any recollection of reviewing Mr. Baker's file. She didn't ask you for a long recitation of the conceivable possibilities under which you might have. She asked you, do you recall having reviewed Mr. Baker's file.

What is the answer to that question?

The WITNESS. No, I don't have a recollection.

EXAMINATION BY MS. COMSTOCK:

Question. Under the process that you described, can you explain how the files ended up in your box? Would they come in from the FBI to your box?

Answer. No, ma'am, someone that would receive them would look through them, then give them to me.

Question. And these people who received them, would that be Mari, Lisa or Ed Hughes?

Answer. Or Jonathan.

Question. Or Jonathan would, in turn, sometimes receive them?

Answer. Or Tony.

Question. Or Tony. Aside from Tony, Mari, Lisa and Ed Hughes and Jonathan would—

Answer. Mari, Lisa, Tony and—if we are talking about these files, because they weren't here, the other two weren't here.

Question. Did interns ever receive these files?

Answer. I don't believe so, but I don't know for sure.

Question. And could you describe the process by which a file would end up—who would put the file in your box? Would it be one of your associates, the people you supervised?

Answer. It would be—one of the people who worked for me, who received it, would determine whether or not I needed to look at it.

Question. So when these files came in, the people who would have initially—the possible people who would have looked at these 300 or so files, plus the extra 71, the universe of the people who would have looked at them are you—is correct?

Answer. Yes.

Question. Mr. Marceca?

Answer. Mr. Marceca.

Question. Lisa Wetzl, Jonathan Dembo?

Answer. No, they weren't here.

Question. And—

Answer. Ms. Anderson.

Question. Ms. Anderson. That is the universe of the people who would have been looking at these files?

Answer. I guess it is also possible—not possible, it is probable that Mr. Saunders would look at them, too, because he would help me adjudicate things.

Question. Now, would these files—these files had already been adjudicated, wasn't that correct, that they had previously had background investigations?

Answer. I wouldn't have personal knowledge of that, but you are asking me something I don't know.

Mr. TURK. Here is the problem. You are asking—he has already told you he did not supervise this project and he wasn't intimately involved in it. You were asking him, all of these, would you have, would somebody else have.

Ms. COMSTOCK. I am trying to determine the process.

Mr. TURK. You are trying to get him to do what you know he is now willing to do, which you keep getting him to do, which is guess and speculate; and I can't make it any clearer to either the witness or to you, it is totally inappropriate to get him to guess. Now you are trying to get him to guess.

EXAMINATION BY MS. COMSTOCK:

Question. Can you describe the process by which these files came into your office?

Mr. TURK. He has already told you that the process by which the files came into the office, two-and-a-half hours ago, to the extent he had knowledge of it.

EXAMINATION BY MS. COMSTOCK:

Question. Did these 300 files come in separately?

Mr. TURK. He has already told you, that was someone else's responsibility and someone else was doing it and now you are asking him to go beyond what he knows and speculate. He is tired.

I told you we would cut this off at 6:30; it is now 7:10. I want you to wrap up in five more minutes. We are leaving. This man has diabetes; he is not well.

I am asking you not to push him to guess about what he doesn't know. If you want to ask him questions about what he knows, that is fine. I believe you are overstepping the bounds here. You are doing this for reasons beyond fact-gathering; that is now apparent.

Ms. COMSTOCK. Actually—

Mr. TURK. He has already told you who you can talk to about the process. He has told you he was not in charge of the process and not involved in the process.

If you want to find out what the process is, you should talk to the people who did it, not ask Mr. Livingstone over and over and over to speculate and guess about what might have been going on.

EXAMINATION BY MS. COMSTOCK.

Question. Do you have any knowledge, files that would be put in your box, whether they would be exclusively files—whether they were exclusively files of new employees, of background checks, or if they were also of holdovers? Do you have any knowledge of—

Answer. No.

Question. Do you have any knowledge of—if there were—if they—if it was a different distribution of new hires, as opposed to holdovers, in terms of their files being returned to the FBI?

Answer. No.

Mr. TURK. We are leaving in 3 minutes.

Mr. TURK. We are leaving in 3 minutes.

Ms. COMSTOCK. Back on the record.

We are not completed with this deposition, and if the witness does need to take a break, we can take a break, eat dinner, or we can come back tomorrow. But we are going to need to continue the deposition. Unfortunately, the White House has just provided new lists and names and things, even at this late hour, so we are going to have further issues to cover, and we haven't covered the issues.

Mr. TURK. We will have to talk about that at some point. I guess we are breaking now. If you want to let us know what documents you are talking about, we can go on, but I was told when we came into this deposition that it would be a very short deposition of a couple hours at the most.

We have already been here for three hours. It is 7:15 on Friday night, and we can talk about this later. We are not coming in over the weekend.

Ms. COMSTOCK. Okay. We are going to have to continue this deposition in a timely manner. As you know, we did cancel the Wednesday deposition at the client's—at the attorney's insistence and didn't show up.

Mr. TURK. It wasn't that I didn't show up. I called well over an hour ahead.

Ms. COMSTOCK. At 3:10 we got the message for a 4 o'clock cancellation.

Mr. TURK. Well, I don't know when you got the message.

Ms. COMSTOCK. We got the message on voice mail. I can play it for you if you like.

[Whereupon, at 7:15 p.m., the deposition was adjourned.]

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

IN THE MATTER OF: WHITE HOUSE TRAVEL

DEPOSITION OF CRAIG LIVINGSTONE

MONDAY, JUNE 17, 1996
Washington, D.C.

The deposition in the above matter was held in Room 2203, Rayburn House Office Building, commencing at 8:25 p.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Comstock, Investigative Counsel; Barbara Olson, Chief Counsel; Kristi Remington, Investigator; Donald Goldberg, Minority, Assistant to Counsel.

For CRAIG LIVINGSTONE:

DAVID S. COHEN, ESQ.

RANDALL J. TURK, ESQ.

MILLER, CASSIDY, LARROCA & LEWIN, L.L.P.

2555 M Street, N.W.

Washington, D.C., 20037-1302

Ms. COMSTOCK. This is a continuation of a deposition of Craig Livingstone being taken under oath. It was begun last Friday evening and is continuing.

Mr. TURK. I would just like to note for the record that Mr. Livingstone has been testifying for this committee now for between 9½ and 10 hours and we have come back here because the committee was unable to conclude its deposition in almost 3 hours the other night about this FBI files matter that has come up, but I would like to note, as I did on the record last time, that Mr. Livingstone has diabetes, is not well, is going to be going to his doctor tomorrow, and I will zealously object to repetition in questioning, so I ask that you please conclude the deposition as quickly and expeditiously as possible.

Ms. COMSTOCK. I will check the record for how many hours we have been in, but Mr. Livingstone obviously is a central character in this latest matter with the FBI files and we do want to get through this and we will complete it as soon as we can.

Mr. TURK. I do not believe the record will reflect that Mr. Livingstone is either a character or central to this inquiry but you may proceed.

EXAMINATION BY MS. COMSTOCK:

Question. I am showing the witness some letters that have been provided from the White House CGE 43823, an April 5th letter, 1995, to the Honorable Les Aspin, Secretary of Defense, from William H. Kennedy, III. It is a request for Detainee Special Agent Anthony Marceca continued through these documents. This is a continuation.

Do you want me to wait while counsel is reviewing the documents?

Mr. TURK. Please.

Are you directing Mr. Livingstone's attention just to the first letter or to the entire packet?

Ms. COMSTOCK. Well, I am starting with the first letter.

Mr. TURK. You are directing his attention to the first letter.

Ms. COMSTOCK. I believe we will be proceeding to a number of these letters, if you want to allow him to review the entire packet or go item by item.

Mr. TURK. You don't have a preference? I would have you just then look through the entire packet.

[Discussion held off the record.]

Ms. COMSTOCK. We have stipulated that the deposition, prior to the beginning, that the deposition this evening is a continuation of a prior deposition and it is under oath; is that correct, Mr. Turk?

Mr. TURK. That is correct.

Ms. COMSTOCK. Thank you.

Mr. TURK. Do you have an extra copy of this exhibit for counsel or just one for the witness and one for you?

Ms. COMSTOCK. I only have one for me and one for the witness. Are you ready to proceed?

The WITNESS. Yes.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall this April 5th, 1993, letter requesting Mr. Marceca to be the detailee?

Mr. TURK. Can you clarify the question you are asking—

Ms. COMSTOCK. CGE 4383 through 824.

Mr. TURK. Are you asking him if he has ever seen it before now?

EXAMINATION BY MS. COMSTOCK:

Question. Have you seen this document before?

Answer. I have seen this document before, April 5th, 1993.

Question. And do you recall how this document came about?

Answer. No, I don't have the specific recollection of it, how it came about. Can I ask you to clarify the question, came about in terms of what?

Question. Did you draft this letter?

Answer. No.

Question. Do you know who did?

Mr. TURK. Do you know who did?

The WITNESS. I don't have a specific recollection of the letter being typed or drafted.

EXAMINATION BY MS. COMSTOCK:

Question. Had you requested Mr. Marceca be detailed, had you made that request of Mr. Kennedy?

Answer. Yes, I did.

Question. Had you requested he write a letter to Secretary Aspin?

Answer. I don't recall that I asked him to write the Secretary.

Question. Do you have any knowledge as to how Mr. Kennedy came about to write Secretary Aspin about getting Mr. Marceca detailed to the White House?

Answer. I don't recall the events.

Question. Do you recall gathering any information for Mr. Kennedy to find out about how Mr. Marceca could be detailed to the White House?

Answer. I recall having conversations with Mr. Kennedy about Mr. Marceca's detail and how he might be detailed.

Question. And could you describe those conversations?

Answer. Only in the generalist of terms. I don't recall the specifics but I do recall asking Mr. Kennedy to consider Mr. Marceca for detail and that he asked for, as I recall, for information on Mr. Marceca.

Question. And do you recall what you provided to Mr. Kennedy?

Answer. I can't recall specifically, however, the one thing I can recall is that we set up an interview for him.

Question. Would this be prior to April 5th?

Answer. I can't recall.

Question. Was it sometime in the spring of 1993?

Answer. The only thing I can recall, ma'am, that it was prior to his detail.

Question. And Mr. Marceca then met with Mr. Kennedy?

Answer. Mr. Marceca met with Mr. Kennedy prior to his detail to discuss his being detailed.

Question. Do you know if you provided Mr. Kennedy with any resumes or any information about Mr. Marceca?

Answer. I don't have a specific recollection of doing that.

Question. Other than Mr. Marceca coming over and having a meeting with Mr. Kennedy, do you know if Mr. Kennedy had any other information about Mr. Marceca?

Answer. I believe that Mr. Kennedy talked to his supervisor about being—his supervisor being Mr. Marceca's supervisor.

Question. Do you know who that is?

Answer. Mr. Allen.

Mr. TURK. If you have a document that might help refresh his recollection of other articles that were provided to Mr. Kennedy, might I suggest that you just show it to him, or perhaps you don't.

Ms. COMSTOCK. I am working off of this April 5th letter for now. I am trying to find out how this came about.

EXAMINATION BY MS. COMSTOCK:

Question. Directing your attention to the second paragraph of this letter, in the middle, it says, I have learned of Agent Marceca's unique investigative abilities and background and would greatly appreciate his full-time assistance here.

Do you know how Mr. Kennedy learned of Agent Marceca's unique investigative ability and background?

Answer. You'd be asking me to guess. I don't—I can restate for you that he did interview him before he was detailed.

Question. Do you know of any other people at the White House who have provided him information about Mr. Marceca besides yourself?

Answer. I have no knowledge of that.

Question. And directing your attention to what is in the back of the same packet here. It is CGE 43821. It is an April 6th, 1993, letter to Mr. William Kennedy to David C. Allen, who is Director, I believe, of the United States Army, Criminal Investigation Command, at the Department of the Army.

Is that who you identified as Mr. Marceca's supervisor, Mr. David Allen?

Answer. Yeah, I believe that is who that is.

Question. Directing your attention to the first paragraph, Mr. Allen writes to Mr. Kennedy during a recent phone conversation, I was pleased to hear that you were considering detailing Mr. Anthony Marceca to a position on the staff of the White House.

Do you recall there being a phone call between Mr. Allen and Mr. Kennedy in this time frame?

Answer. I have no recollection of that.

Question. The second paragraph, Mr. Allen writes: Mr. Marceca is a sound and logical thinker, capable of handling any number of critical and sensitive missions on time. He is equally comfortable in directing CID agents, conducting a major investigation, or briefing senior leaders. Mr. Marceca is always the master of every

situation. His professional competence, candid attitude, and attention to detail have contributed to the smooth functioning and efficiency of the Major Procurement Fraud Unit, U.S. Army, CID command.

Did you have any knowledge of that background of Mr. Marceca at this time that Mr. Allen speaks of?

Answer. Did I have any knowledge about what is in this paragraph? No.

Mr. TURK. Do you want to take it and break it down piece by piece?

Ms. COMSTOCK. No, just general. If he doesn't have any knowledge—

Mr. TURK. Did you know if he was a sound and logical thinker, or any of those things?

The WITNESS. I apologize if I understood the question incorrectly.

As I understood it, I thought you were asking me in reference to his being a—

Ms. COMSTOCK. No, I am asking about your knowledge about anything in the second paragraph.

The WITNESS. In general, I am sorry I didn't understand that, I believe Mr. Marceca to be a sound and logical thinker. I believe that—I don't find any fault with any of the statements. I guess that is the best thing I can say. I don't have anything to dispute the statement.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know what Mr. Marceca's grade level was at the time he was being detailed?

Answer. I don't recall.

Question. Do you have any general idea of what in the pay scale range?

Answer. I thought he was mid-level.

Question. GS—

Answer. To me, mid-level would be 11 to 13, somewhere in there, but again that is a guess.

Question. Do you know—

Mr. TURK. Ms. Comstock doesn't want you to guess.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know why Mr. Marceca was not—do you have any knowledge of why he was not detailed at that time in April of 1993?

Answer. No.

Question. Directing your attention to CGE 43819, which is a June 22nd, 1993, letter to Colonel Michael Sherfield, the Executive Secretary for the Secretary of Defense, and it is a request for Detainee Special Agent Anthony Marceca.

Would you like to take a look at that letter, and if you recall, a letter from Mr. Kennedy again, I was wondering if you recall anything related to how this letter came about?

Answer. No, I don't have a recollection.

Question. Directing your attention to the second paragraph on that letter, Mr. Kennedy writes, based on his record, Agent Marceca has a broad and in-depth understanding of the administrative, logistical, and investigative procedures of the DOD and the Criminal Investigator Division Command, together with a strong background in law enforcement.

Did you know that to be the case?

Mr. TURK. You are asking if Mr. Livingstone in June of 1993 shared the view that Mr. Kennedy is expressing in the second paragraph of that letter?

EXAMINATION BY MS. COMSTOCK:

Question. Or do you have any knowledge of how Mr. Kennedy came to that information or if you provided that information to Mr. Kennedy?

Answer. I don't recall specifically anything in relation to this letter.

Question. CGE 43816, I got a little out of order here, that is an April 13th, 1993, letter, again to the Secretary of Defense, Les Aspin, from Bill Kennedy, again asking that Mr. Marceca be detailed to the White House.

Mr. TURK. So we are jumping back in time.

Ms. COMSTOCK. Into April, which I believe—

Mr. TURK. You skipped ahead to June. Now we are going back to April.

Ms. COMSTOCK. Yes, I am sorry. I skipped April 13th, that additional letter.

But in the spring/summer time frame, do you have any recollection as to what was going on in terms of Mr. Marceca being detailed to the White House?

Mr. TURK. More than what he has already testified to, that is, there was an interview between Mr. Kennedy and Mr. Marceca?

The WITNESS. Other than recalling that it did take some time to get him detailed, I don't understand or recall the specific circumstances on why that is. It is refreshing my memory to recently see this information to that effect, but beyond the fact that it took several efforts to have him detailed I don't really have a specific recollection as to why.

Mr. TURK. I don't believe she asked that question.

The WITNESS. Well, as I understood the question I was trying to answer it.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know whether—

The WITNESS. Perhaps I didn't understand the question.

EXAMINATION BY MS. COMSTOCK:

Question. Well, I am asking do you have any knowledge as to why there was delay in the detail process?

Answer. No, ma'am, that is what I just stated.

Question. Do you know whether Mr. Marceca had interviewed with anyone else at the White House besides Mr. Kennedy?

Answer. I have no knowledge of that.

Mr. TURK. Was there delay? Your question assumes that there was delay. I don't know if there was or not.

Ms. COMSTOCK. The request was initially made on April 5th, 1993, and I believe Mr. Marceca did not come to the White House until August 18th, 1993. Now if there is—if you have any knowledge as to why there was a gap like that, if you could explain that gap.

Mr. TURK. I only ask that question because in my experience frequently things in the government take extraordinarily longer than you would otherwise expect.

Ms. COMSTOCK. If you, witness, could testify to that.

The WITNESS. I am sorry, I thought I answered that question, ma'am. I don't recall why it took so long to have Mr. Marceca detailed.

EXAMINATION BY MS. COMSTOCK:

Question. Previously you mentioned that when it came time to—when Mr. Marceca's 6-month detail was up he was not retained because of some unresolved issues in his background; is that correct?

Answer. I believe what I said was that his detail was not renewed and that there were some issues and update on his background.

Question. And do you know what those problems were?

Answer. I don't recall specifically.

Mr. TURK. I would like to point out, Ms. Comstock, that you are now going back and recovering material that you covered in our last session. I would like to urge you to move forward on new material.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know if when Mr. Marceca was first being detailed to the White House, if there was any problem with any of these unresolved issues that later caused him not to be retained as a detailee in February of 1994?

Answer. As I recall it, I don't believe there was any concern about bringing Mr. Marceca on as a detailee based on the fact that he was an employee of the Army, CID division, who held an active top secret clearance there. These unresolved issues that became a problem became a problem at the end of the 6-month detailee. They were not a problem known—or a problem at the beginning.

Mr. TURK. I don't believe that is what he testified to.

Ms. COMSTOCK. I am just trying to get a sense of when these became a problem.

Mr. TURK. I think you already got a sense of it. I think what you are doing now is recharacterizing the witness' testimony. You asked him if it was of concern when Mr. Marceca was first detailed and he said no.

EXAMINATION BY MS. COMSTOCK:

Question. Is that your testimony? You had no knowledge of those issues in the beginning?

Answer. I had no knowledge of any derogatory information. I would like to make it clear, as I stated earlier, that based on his being a current employee in the Army and holding an active clearance we assumed that he was good going to be detailed to the White House.

Question. When these—when Mr. Dale's files and then subsequently the 300 or 400 files came to light, did you contact Mr. Marceca to talk to him about this matter recently?

Answer. I have spoken to Mr. Marceca recently.

Question. And could you describe those conversations?

Answer. In general terms, I talked with Mr. Marceca about—don't know that I recall talking specifically with Mr. Marceca about Mr. Dale's file. I think what initiated the conversation, ma'am, was when we learned that we had additional files, but I can't—I don't have a specific recollection of exactly what we talked about, but it was in general terms, did he recall what list he worked off of, that type of thing. Because I thought there must be a readily explainable answer as to how this apparent mistake had happened.

Question. And this is the conversation you have had in the past several weeks with Mr. Marceca?

Answer. Yes.

Question. And can you recall any more specifically what you asked him about or what he said about—I am sorry. You said you asked him about the list. Do you recall what he said about the list?

Answer. I thought it important to be—to just ask him the general question. Then I had asked him at some point, I thought it would be better to talk to my attorney rather than talk directly to me, so there isn't an appearance of impropriety, because I was concerned, truly concerned that this had become apparent to me, and I had no direct knowledge of it until that point that we had apparently ordered files for people that were no longer with the administration. And it was essential to me, important to me to find out if there was, in fact, the answer, if Mr. Marceca could say, oh, yeah, I worked off this list and it is in bin three or something like that.

Question. Do you recall anything he told you about the list?

Answer. Just that he took directions from Mrs. Gemmell and Ms. Anderson and that he worked off of a list of people that he thought were, in fact, people that were either required access—continued access to the White House or were, in fact, current employees.

Question. What level were Ms. Gemmell and Ms. Anderson?

Answer. Ms. Gemmell was the number 2 person in the previous administration's office, and for me she was an advisor. I kept her on because I thought it important that she share the breadth of her experience and knowledge as to procedures so that we might correctly follow them.

I implored her to make sure that, you know, that we knew everything that we needed to know so that when she was gone we didn't make a misstep.

Ms. Anderson was my assistant throughout her tenure in my office.

Question. Do you recall approximately how much Ms. Anderson was paid?

Answer. I think Ms. Anderson started off—well, I believe she left at \$30,000.

Ms. COMSTOCK. Continuing my previous deposition, I am going to make this Deposition Exhibit 4, these letters that were previously referring to Les Aspin dealing with Mr. Marceca's detailee status.

[Livingstone Deposition Exhibit No. 4 was marked for identification.]

Ms. COMSTOCK. Then this a June 10th—

Mr. TURK. Ask you to hold one second? This document that you have marked as Exhibit 4 contains considerably more material than the letters that have just been discussed in the testimony here.

The first document is a document—April 5, 1993, letter from William Kennedy to Les Aspin document Bates stamped CGE 043823 through 3824.

The next document is a White House Office of Personnel from other agencies form dated 2/28/94 and signed by William Kennedy, CGE 043810.

The next document is an unclassified Office of the Chief of Staff, Army Management Support Team, fax header sheet, CGE 043811, which appears to be the faxed cover sheet for an August 5th, 1993, document from the Office of the Secretary of Defense, a memorandum for Associate Counsel to the President, the White House; subject, request for the detailee special agent Anthony Marceca from Robert M. Allen, lieutenant general of the United States Air Force.

Attached to that is a Department of the Army document dated August 12, 1993, from Charles E. Dominy, lieutenant general director of the Army staff, to—I guess it is a memorandum from Major General Peter T. Berry, commanding general, U.S. Criminal Investigation Command, concerning White House detail.

The next document was one that was referenced in the testimony that is a June 22nd, '93, letter from William Kennedy to Colonel Sherfield, executive secretary of the—sorry—executive secretary to the Secretary of Defense.

And the next document also was referenced. That is the April 13, 1993, letter from William Kennedy to Les Aspin that is Bates stamped 043816.

Mr. TURK. I might have missed the Bates stamp on the last one which was 043814 through 15. And the Bates stamp for the Alexander memorandum is 04312, and for the Charles Dominy memorandum it is 043813.

The next document, a facsimile transmittal header sheet from the personnel director at the U.S. Army Criminal Investigation Command, to the Washington fraud team; attention, Tony Marceca. This is document CGE 043817, attached to which is a—some type of a form, not labeled. It concerns the detail of Mr. Marceca. It is CGE 04381, next to which is a June 22nd letter from Mr. Kennedy to Mr. Sherfield, CGE 043819 through 20.

And finally—oh, next is the April 6th, 1993, letter from David Allen to Mr. Kennedy that was referenced in the testimony, CGE 043821, followed by a memorandum from Robert M. Alexander, lieutenant general of the United States Air Force, a memorandum for associate counsel to the President of the White House, which appears to be the same document in many respects.

Ms. COMSTOCK. If that is the way we got it from the White House for the record.

Mr. TURK. It was CGE—I wasn't trying to suggest it had been doctored. I was just trying make sure it was the same document. It has additional date stamps on it but is the same document as CGE 043812, although it bears additional date stamps on it. The document number is CGE 043822. And that is the entirety of Exhibit 4.

EXAMINATION BY MS. COMSTOCK:

Question. I believe we just discussed you had talked with Mr. Marceca. And did you ask him to speak with your attorney?

Mr. TURK. Asked and answered. I believe he already testified to that.

The REPORTER. What did you say?

EXAMINATION BY MS. COMSTOCK:

Question. Do you have any knowledge about a statement that Mr. Marceca prepared by your attorney?

Answer. I read it in the paper, and I seemed to have heard about it on TV and—

Question. And have you seen this document, declaration of Anthony Marceca, which is 4 pages long and signed by Mr. Marceca at the end?

Answer. To the best of my recollection, this is the first time I have seen this document. As it is prepared, I don't think I have seen it in its entirety.

Question. At the time when Ms. Wetzl, I believe, testified Mr. Marceca had ordered too many files, do you recall if you ever called Mr. Marceca to ask him about that at any time prior to these recent phone calls that you had with him?

Answer. No, and I am glad you asked that question, because in my previous deposition I don't recall the exact question but I know that I was tired.

I don't know I made it clear enough to you or direct enough that when I heard that question, specifically, that I believe that meant that we had files on people that had come and gone from the White House while we were there.

I want to make that clear, because I don't know that I did that before.

Mr. TURK. What question?

The WITNESS. As I recall, she asked me a question about, what did I say or do I recall about Ms. Wetzl saying that Tony had ordered too many files, and my direct recollection of what I remember thinking at the time was, that meant that people who had been in our administration and had already left, and Tony had ordered files—or we were just getting files at the time from people that had departed, because that was going on every day at the White House.

Very often I would call someone up to see when someone was working, and I would call up and they'd say, oh, that was so-and-so; he was in the garden shop, and he has left last month; or something like that.

So I believe that—

Mr. TURK. Maybe you could just answer the questions that are asked. I don't think there is a question pending right now.

EXAMINATION BY MS. COMSTOCK:

Question. Directing your attention to page 2 of this statement at the top of the page, Mr. Marceca says the employee who was retiring showed me the various lists of names to which personnel security files needed to be recreated. Do you have any knowledge to this date of what these various lists were that Mr. Marceca was working from?

Answer. I don't have any direct knowledge of it.

Question. Now when you—your office was one large office at the time, that you worked in—

Answer. Yes ma'am.

Question [continuing]. The vault.

Did you see Mr. Marceca work on these files during the 6 months he was at the White House?

Answer. I don't have a direct recollection of him working on that, on this project specifically, no.

Question. During those 6 months, can you give us an idea of what he was doing during the day while he was there, to your knowledge?

Answer. I believe that he was working on this project. From time to time he would, at the beginning of his detail—he was very helpful in instructing me and educating me on how to review a standard form 86 for complete list completeness and making sure people filled it out, and helped me get people—get a hold of people to come back in and refill things out or add additional information if it was requested by the FBI.

Mr. TURK. I just want to object to a question that basically says, what did this guy do for 6 months. We already covered that, I believe, the last time around. If you want to focus this question a little bit more, that might help us get through this a little more quickly.

Ms. COMSTOCK. I am trying to get a sense of what he was—

Mr. TURK. You asked if he had a recollection of seeing Mr. Marceca work on the update project, and he said no.

EXAMINATION BY MS. COMSTOCK:

Question. What do you recall Mr. Marceca doing while he was at the White House during the 6 months? Do you have a recollection of say in the first—

Mr. TURK. I am going to object to that question. I mean—he has already answered that question.

EXAMINATION BY MS. COMSTOCK:

Question. Were you working in the office on a day-to-day basis at this time? Would you physically be located in that office?

Answer. I was in the office, yes.

Question. Do you see him daily?

Answer. I would say—I would imagine I would see him every day I was there, yes.

Question. Would he talk to you about what he was working on that day on a day-to-day basis?

Answer. I think on a weekly basis or a bimonthly basis; he would talk to me from time to time.

Question. Did he ever write you any memos or updates on what he was working on at the time?

Answer. From time to time he would tell me to check other things he was working on. I couldn't remember if it was written format or oral, but I do remember talking to him specifically about, so-and-so had to add additional information to the forms, or he was having difficulty in getting a hold of someone, would I please call them and tell them to come down to fill out their paperwork.

Question. So were you a supervisor?

Mr. TURK. Asked and answered. Objection. You have already asked him that the last time. Am I right?

Ms. COMSTOCK. I think we have had a number—he has worked on a number of different projects. He is working on a number of different projects, and I am trying to get—

Mr. TURK. I disagree. Move on. You asked him if he was his supervisor before. He testified he was not.

EXAMINATION BY MS. COMSTOCK:

Question. Could you explain in what manner it was then that he reported—he was reporting to you on these matters?

Answer. As I stated, from time to time he would need assistance.

Generally, Tony had what I would consider very basic projects to do, and important projects, but very basic projects as far as things that I think Mari, Lisa. And I had confidence in him doing, and when he had difficulty, in particular, getting a hold of people or having a question answered, something like that, I would intervene if Mari or Lisa couldn't help him.

Question. Did you ever intervene for him in dealing with the FBI at any time?

Answer. I am not sure I understand the question.

Question. Did he ever have an occasion to ask you to assist him in talking to the FBI about any matter.

Mr. TURK. That is a pretty broad question. Do you have something a little bit more focused? This man dealt with the FBI on a daily basis.

Ms. COMSTOCK. I am asking about Mr. Marceca, if he recalls Mr. Marceca talking about any issues that arise with the FBI.

Mr. TURK. I understood the question. I just thought maybe if you had something specific, that might help. This was 3 years ago. They dealt with the FBI on a daily basis.

The WITNESS. I am pausing because I am trying to think of a specific instance, ma'am, where I can remember, as you described it, involving myself with the FBI on his behalf, and at this moment in time I can't really think of specific—

EXAMINATION BY MS. COMSTOCK:

Question. Did you have daily office meetings with his staff in the office?

Answer. No, ma'am.

Question. Did you have weekly meetings?

Answer. We did not have an occasion to have office meetings unless there was a new policy to discuss.

Question. In Mr. Marceca's statement, he talks about various lists. Did you ever discuss with him at any time how to obtain any lists in the White House of any kind, personnel—that had "personnel" on them?

Mr. TURK. Objection. That is an incomprehensible question. Could you please restate it.

EXAMINATION BY MS. COMSTOCK:

Question. Did Mr. Marceca ever ask for your assistance in obtaining any Secret Service lists or personnel lists?

Mr. TURK. Or personnel lists?

Ms. COMSTOCK. Why don't we start with Secret Service lists.

Mr. TURK. That is a good idea. We could just ask the question that way.

The WITNESS. I don't recall a specific instance where Tony had to ask me for any assistance, as I understood. And as I understand the procedure in my office, Mari or Lisa could ask the Secret Service, the people which they worked with many times throughout the day, for that list.

EXAMINATION BY MS. COMSTOCK:

Question. Was Lisa at this time an intern in the summer—I am sorry—in the summer of 1993, was Lisa an intern?

Answer. I don't recall her exact start date, but—I don't recall her exact start date.

Question. Directing your attention to page 3 of Mr. Marceca's statement, it discusses—

Mr. TURK. Which paragraph?

EXAMINATION BY MS. COMSTOCK:

Question. At the top of the page, it says, "I also typed in the form the reason for the request to FBI; e.g., Access (S)."

Do you recall seeing Mr. Marceca type up forms on a computer or typewriter?

Answer. I recall seeing Tony sit at a typewriter while he was a detailee.

Question. Do you know what the "Access (S)" stands for?

Answer. No.

Question. Did you know what any of the access codes were that were typed on to these personnel forms?

Answer. Yes.

Question. Why don't I, for reference, refer to previously identified as Deposition Exhibit 3, which is Mr. Billy Ray Dale's request to the FBI for his FBI background previous report, and on this it says the report is up for access, and it has S in parentheses.

Do you know what some of the other codes were that you used?

Mr. TURK. Can you wait until we finish reviewing the exhibit? Okay.

Would you read back the question?

[The reporter read back as requested.]

Mr. TURK. I would like to object to that question. I don't believe there is any testimony that Mr. Livingstone used the codes. I believe the testimony, including your

question before this, was that these are forms filled out by Mr. Marceca; is that correct?

Ms. COMSTOCK. Yes.

EXAMINATION BY MS. COMSTOCK:

Question. Are you aware of the codes that were used on these forms—forms such as that identified in Deposition Exhibit 3?

Answer. Yes, ma'am.

Question. And could you describe some of the codes that you may have knowledge of?

Answer. Some of the codes would be access C, which is what we would use, sea as in otter.

Question. Sea as in otter?

Answer. The letter C—I was just making sure that she knew. We had codes for—

Question. I am sorry; what did C stand for?

Answer. C is for volunteers and our comments line people, people that would be on the access list.

As I understand it, early on we would use the access code and since have changed that because we now have a lot of hard passes for interns and volunteers. So we write in "intern" or "volunteer" now, which is just slightly modified from the beginning. I don't recall what "access S" means.

Question. Continuing on top of page 3, Mr. Marceca writes, "When the previous report came into the office, I pulled the file I created for the individual and reviewed the report, determined the date for the individual's next periodic investigation."

Could you explain how the reinvestigation process worked on these previous—when these previous reports were obtained?

Mr. TURK. Could you read back that question, skipping all the reading.

EXAMINATION BY MS. COMSTOCK:

Question. Why don't I just ask, do you have any knowledge as to how the reinvestigation update of background was done?

Answer. Are you asking me specifically—

Mr. TURK. She is just asking you generally if you have any knowledge.

Maybe you should just read back the question.

Ms. COMSTOCK. I think I am just asking him generally.

The WITNESS. As I understand it, you are asking me how to determine the people to periodically investigate; is that correct?

Ms. COMSTOCK. Yes.

The WITNESS. Well, the way we do it now—

Ms. COMSTOCK. I don't need to know how you do it now. I need to know how you do it in 1993 or 1994.

The WITNESS. You would be—in 1993, I think you would be asking me to guess, and I don't care to guess.

In 1994, Ms. Wetzel took over this project for reinvestigation specifically, as I recall it, and I directed Ms. Wetzel to make sure that, for every person that was in the employ at the White House, that we knew their background investigation date, and that meant she had to call each office to get a list of each employee and then to cross reference that with a list that we have from the FBI.

We have this master list from the FBI that has all the investigations conducted and their BI dates then to do that, because I was concerned that at that point in time we had started issuing permanent passes to our own new staff, that we needed to make sure that if people need their 5-year updates, we were doing them, because we were 1 year into the administration.

Mr. TURK. Why don't you let her ask another question now.

EXAMINATION BY MS. COMSTOCK:

Question. Do you have any knowledge of any problems with—moving away from this document for now, do you have any knowledge of any problems the First Family had with the residence staff?

Answer. Do I have any knowledge of the First Family having—

Question. Having any problems with White House staff on the White House residence.

Mr. TURK. You mean getting clean towels and things like that.

EXAMINATION BY MS. COMSTOCK:

Question. Did anyone ever bring to your attention problems with White House staff personnel in '93 and early '94?

Answer. I can't be specific on the times, but I remember some instances, an instance specifically where there was a problem with one of the executive chefs at the residence which was investigated by the Secret Service and I think the Secret Service should be contacted about that. I don't know that I am able to divulge that because there was an investigation.

Question. That was in the newspapers at the time. I think I know what you are referring to.

Mr. TURK. Was there a problem with his cooking?

The WITNESS. There was an investigation conducted from the criminal side of the Secret Service and I don't know that I should discuss it.

Mr. TURK. You shouldn't. I have had food like that myself.

EXAMINATION BY MS. COMSTOCK:

Question. Did you ever have occasion to reinvestigate any residence staff outside of the 5-year reinvestigation time frame when they would normally be reinvestigated?

Answer. I am not sure that I—

Question. Did you ever have occasion to ask for an updated investigation on a residence staff employee prior to when their 5-year update would have been due in early 1993 or 1994?

Answer. I can answer that question. I don't have a specific recollection. I think that we asked as a matter of course, as a matter of action that we asked for all the investigations prior to their 5-year—I think that is general procedure. We know that the 5 years is coming up, it takes some time to get people to fill out the paperwork, and I think as a matter of course we try to do all the people prior to 5 years.

Question. If you are doing them prior to 5 years, would you do them 4 years ahead of time or 3 years ahead of time or how far ahead of time?

Answer. Personally, I would not think that would be necessary.

Question. In 1993 in doing this update project you didn't have the prior files yet of people such as the residence staff; is that correct?

Answer. I don't know.

Mr. TURK. I think your question makes it sound as if you think Mr. Livingstone was doing the update project. I think the testimony is—

Ms. COMSTOCK. The record is that because of requirements of the law, records of prior staff were not present in your vaults where all these background files were maintained.

Mr. TURK. You mean the previous administration took them with them when they left.

EXAMINATION BY MS. COMSTOCK:

Question. Because by law they are required to take these files; is that correct?

Answer. I believe that is correct. I would like to state something for the record if I could interrupt you and apologize. Is that all right?

Question. Are you responding to the question?

Answer. It is with regard to your question about the files. I want to make it clear. I came into the office in February which is several weeks after the administration started. To be sure there were files in the safe so I can't say specifically what was there and what wasn't there. I have heard you allude to the fact that there wasn't anything in the vault. I don't know that there was ever anything in the vault. When I came into the office there were in fact some files.

Question. Do you know what files were in the vault when they came in?

Answer. No. I am sorry for interrupting.

Question. Thank you for clarifying that.

With regard to the residence staff do you have any knowledge of instances where, say, you asked for a full investigation, an updated investigation, say a year or two after they had had a prior investigation rather than 5 years after they had an investigation?

Answer. I have no recollection of that.

Mr. TURK. Can we take a break? We have been here for an hour and 10 minutes.

Ms. COMSTOCK. Okay.

[Recess.]

Ms. COMSTOCK. We are back on the record after a 20-minute press break.

Mr. TURK. Fifteen minutes, press, cigarette.

EXAMINATION BY MS. COMSTOCK:

Question. We have been checking the record from Friday and we have not been able to exactly locate who Mr. Marceca's supervisor was, so if you could just clarify that for the record, who Mr. Marceca's supervisor was.

Mr. TURK. I believe he testified that it was a different person over a period of time. I believe that he testified that it was Mari Anderson at one point and it was Lisa Wetzel at another point. Do you have the transcript from Friday? Do you want us to look for this.

Ms. COMSTOCK. That was on the project, the update project, is that correct, that those three individuals were his supervisor?

Mr. TURK. Let's go back and look at it.

Ms. COMSTOCK. I want to clarify that.

Mr. TURK. Is there any assignment that Mr. Marceca had that is relevant to your inquiry, Ms. Comstock, other than this update project, which is what we are doing here at quarter of 10:00 at night?.

Ms. COMSTOCK. I want to know are there any other projects that Mr. Marceca reported directly to Mr. Livingstone on.

Mr. TURK. That is a different question. You want to know are there any projects that Mr. Marceca undertook during that 6-month period with respect to which he reported directly to Mr. Livingstone?

Ms. COMSTOCK. Yes.

The WITNESS. I don't believe that there was anything specific that Tony would have been required to talk to me specifically about. Certainly not in the form of any projects.

EXAMINATION BY MS. COMSTOCK:

Question. And would Ms. Anderson and Ms. Wetzel and then Mr. Hughes report to you; when Mr. Marceca reported to them, would they in turn report to you what Mr. Marceca was doing?

Mr. TURK. Objection. Asked and answered.

Ms. COMSTOCK. Why don't we identify that then in the record?

Mr. TURK. I think, let's see, I think at page 11 it says, and you—Mari Anderson, Lisa Wetzel and now Ed Hughes all reported to you?

Yes.

So you were—the interns were under your supervision as well as Mari Anderson and Lisa Wetzel and Ed Hughes; is that correct?

Mr. TURK. I am going to have to object. It sounds to me like you may be trying to argue with the witness. You asked Mr. Livingstone if he supervised interns. I think he said, no, that Mari Anderson, Lisa Wetzel and Ed Hughes supervised them.

Ms. COMSTOCK. I think you are reading from the intern supervision here. I am asking about Mr. Marceca.

Mr. TURK. No. I think the pending question was the question that I am getting to, which is did Mari Anderson, Lisa Wetzel, and Ed Hughes report to Mr. Livingstone. And the answer to that at line 17 on page 11 is, yes.

EXAMINATION BY MS. COMSTOCK:

Question. Did they report to you about Mr. Marceca as well as about interns and other matters in your office?

Mr. TURK. Do you want to break that down into separate components of it? I think it is compound.

EXAMINATION BY MS. COMSTOCK:

Question. Did Lisa and Mari and Ed report to you about the activities of Mr. Marceca?

Mr. TURK. It is still compound.

Ms. COMSTOCK. Do you want me to go through the three individually then?

Mr. TURK. It is your deposition.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall Lisa Wetzel reporting to you about the activities of Mr. Marceca?

Answer. I don't have any specific recollection of ongoing reporting on Mr. Marceca by Lisa Wetzel.

Question. Do you have any recollection of Miss Anderson reporting to you about the activities of Mr. Marceca?

Answer. I don't have any recollection of Miss Anderson reporting to me on Mr. Marceca.

Question. Or Mr. Hughes?

Answer. I don't have any recollection of Mr. Hughes reporting to me on Mr. Marceca.

Ms. COMSTOCK. I am making the declaration of Anthony Marceca Deposition Exhibit 5.

[Livingstone Deposition Exhibit No. 5 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. In the past several weeks since Mr. Dale's file, which we previously identified as Deposition Exhibit Number 3—these are the request forms for his file, not his actual file. Since this request came to light, have you had any discussions with anyone in the White House about how this document was originally found in the White House this year, who located this document this year?

Mr. TURK. Answer that question to the extent you can without divulging any communications between you and your counsel.

The WITNESS. Would that include White House counsel?

EXAMINATION BY MS. COMSTOCK:

Question. No.

Mr. TURK. Would you read back the question?

[The reporter read back as requested.]

Mr. TURK. And then I instructed the witness not to, or to answer it to the extent that he could without divulging communications with counsel. He asked does that include White House counsel.

My only concern is that if there is a privilege there, I do not believe that my client is in a position to waive that privilege, so I guess for now, I would ask that you exclude those communications if there were any, and answer the question to the extent that there are any other communications.

Ms. COMSTOCK. Are you asking to claim executive privilege?

Mr. TURK. No. I am in no position to assert a privilege like that.

Mr. GOLDBERG. Can I make a suggestion, per a more recent agreement between the Chairman and the Ranking Minority Member that you proffer that question in writing with an acknowledgment to get it back as soon as possible.

Ms. COMSTOCK. I think that is if there is a claim of executive privilege.

Mr. TURK. I just don't want to be in a position of waiving something—

Ms. COMSTOCK. Have you been instructed to claim a privilege?

Mr. TURK. Absolutely not, and I am not asserting a privilege. I just don't want my client to be in a position of waiving a privilege if one exists if he has no authority to waive.

Ms. COMSTOCK. Have you had any conversations with the counsel about not allowing these conversations to be discussed in depositions, Mr. Turk?

Mr. TURK. Absolutely not.

Ms. COMSTOCK. Do you want to contact the White House at this time to resolve this?

Mr. TURK. What is it; quarter of 10:00? I am not real confident of being able to reach anybody.

Ms. COMSTOCK. We can stop. Off the record.

[Discussion off the record.]

Ms. COMSTOCK. Back on the record.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know who found this document and provided it to the counsel's office?

Mr. TURK. Answer that question—

Ms. COMSTOCK. Deposition Exhibit 3?

Mr. TURK. Answer that question if you can without divulging information you may have learned from communications with counsel.

Ms. COMSTOCK. He could answer yes or no, and if it is from another person we could at least get a yes or no.

Mr. TURK. If I were confident that he would have said just yes or no.

The WITNESS. Ask the question one more time.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know who provided this document to the counsel's office?

Answer. I believe that I was requested to produce it for counsel's office.

Question. We had previously discussed—I am looking at the chart in Deposition Exhibit 1. You had pulled this file on June 6, 1996—

Mr. TURK. No, no. I must correct your characterization of the record, Ms. Comstock. That was not—

Ms. COMSTOCK. He was asked by counsel's office to get it and I think he testified that he had someone else go over and get it.

Mr. TURK. This is why I think repeating testimony—

Ms. COMSTOCK. Splitting it up over days causes problems, too.

Mr. COHEN. Providing us with a copy of a deposition would alleviate some of these problems, too.

Mr. TURK. Also conducting an hour-and-a-half deposition in less than 6 hours would be a better way to do it as well. I think I could probably find it.

What is the pending question?

EXAMINATION BY MS. COMSTOCK:

Question. His knowledge of who produced this document to the counsel's office.

Mr. TURK. He answered that question. There was another one after that, which is started with you talking about him having taken the file out on June 6th.

Ms. COMSTOCK. He was requested by counsel's office to—

Mr. TURK. I believe his testimony was—I know that the only time I have requested Mr. Dale's file or this other file was in response to counsel's request. I had no personal need to have his file. He testified—you tried to get him to say why he had the file out on the sixth, and he never indicated that he did have the file out on the sixth. There was a colloquy back and forth about whose handwriting this was. Do you recall that?

Ms. COMSTOCK. What we are trying to find out is we obtained this file on May 30th from the counsel's office and if you could enlighten us as to any knowledge you have of who produced that document to the counsel's office prior to May 30th?

Mr. TURK. Which document; this one?

EXAMINATION BY MS. COMSTOCK:

Question. Deposition Exhibit 3.

Answer. It would just be a guess and I prefer not to guess.

Question. So you have no knowledge of how the counsel's office came into possession of this prior to May 30, 1996?

Answer. I don't have any recollection, a specific recollection of being asked for it.

Question. This is a statement that was made by Jane Sherburne, Special Counsel to the President on June 5, 1996, which discusses Mr. Dale's, the request for Mr. Dale's files, which request form is Deposition Exhibit 3.

Did you ever talk with Ms. Sherburne about preparing this statement of June 5, 1996?

Answer. About preparing this statement, no.

Question. Did Ms. Sherburne ask you for any information to determine how Mr. Dale's file came to be obtained in December of 1993?

Mr. TURK. Could you read that back?

[The reporter read back as requested.]

Ms. COMSTOCK. To put it in time frame, I will add to that at or about early June 1996?

Mr. TURK. That seems to me to raise the same problem that we had a couple of minutes ago, which was concern that, about having Mr. Livingstone be placed in the position where he might be waiving a privilege that he is not in a position to waive. You are asking him a direct question about communications between him and the White House Counsel's Office.

EXAMINATION BY MS. COMSTOCK:

Question. Did you provide information to anybody at the White House about how Mr. Dale's file came to be obtained in December of '93?

Mr. TURK. I want you to answer that question to the extent that you can without divulging any communications with counsel.

Ms. COMSTOCK. Personal counsel or White House counsel or both?

Mr. TURK. I think both would be the easiest way. Why don't you just ask him what he knows about that? Wouldn't that be the easier way to get to it?

Ms. COMSTOCK. I would like to find out the information that the witness provided to the White House in these past few weeks.

The WITNESS. To the best of my recollection they asked to review a book that we have when files are checked out from our office, and they asked to review our archive files.

EXAMINATION BY MS. COMSTOCK:

Question. When did they ask to do that?

Answer. In the last few weeks. I can't be specific.

Question. Could you describe what those books are that they asked you to look at?

Answer. As I say, we have a book that has files that are checked out from the office and we check out files that go outside the office to counsel's office upstairs. Then we have several archive lists that we prepare when we archive documents for storage in the White House.

Question. And the book for when files go out of the office, that is maintained in your office?

Answer. Yes.

Question. That is when they physically leave both the vault and your office that they are identified in that book?

Answer. No. To be specific, when they leave the office, when files leave my office for another office.

Question. You don't sign it out when you take it out of the vault?

Mr. TURK. Asked and answered.

EXAMINATION BY MS. COMSTOCK:

Question. The White House reviewed this book as well as your archive list?

Answer. If you are speaking to the book in which we record files that are checked out, yes, ma'am.

Question. Did that provide any of the information to your knowledge that was used in this statement?

Answer. I wouldn't know.

Mr. TURK. You didn't help prepare this statement did you?

The WITNESS. No.

EXAMINATION BY MS. COMSTOCK:

Question. Do you have any knowledge of whether Mr. Dale's file was obtained as part of the routine practice of maintaining background files?

Answer. I have no knowledge as to why Mr. Dale's file was—can you repeat the question?

Mr. TURK. You are talking about when the file was created at the White House or are you talking about when—just ask the question again.

EXAMINATION BY MS. COMSTOCK:

Question. Why don't I ask it differently. As of June 5, 1996, to your knowledge, had Mr. Dale's file been obtained as part of a routine request for FBI files?

Mr. TURK. I am going to still have to ask for some clarification on the question. Obtained when?

Ms. COMSTOCK. As of June 5th, to his knowledge, had this file been routinely obtained or at that time did he know it had been obtained from some other—

Mr. TURK. It is the obtained part.

Ms. COMSTOCK. Obtained from the FBI.

Mr. TURK. So you are not talking about the file. What you are talking about is something that may be in the file that would have been obtained from the FBI report?

Ms. COMSTOCK. The whole thing was obtained from the FBI.

Mr. TURK. When? In '96?

Ms. COMSTOCK. I am saying as of June 5, 1996, to his knowledge, was this file of Mr. Billy Dale obtained as part of a routine effort to get updated files?

Mr. TURK. Well, wouldn't it be easier, Ms. Comstock, if you referred to Deposition Exhibit 3?

Ms. COMSTOCK. I am referring to that.

Mr. TURK. Which talks about a request for a copy of a previous report. Maybe if you phrase the question that way it would eliminate some of the confusion.

EXAMINATION BY MS. COMSTOCK:

Question. As of June 5th, did you think that this was part of a routine request for Mr. Dale's previous report?

Mr. TURK. This request?

Ms. COMSTOCK. Yes.

The WITNESS. As I understand the question, I have already answered that question. But maybe I don't understand the question properly.

EXAMINATION BY MS. COMSTOCK:

Question. I am trying to understand if you had a developing knowledge in late May or early June, June 5th when the White House put out this statement what was the extent of your knowledge about how the files of Mr. Dale had been obtained?

Answer. I think I understand your question now.

Mr. TURK. You were asking questions earlier about this file being obtained for purposes of having it delivered to your offices the end of May. I am trying to figure out if you are talking about, when you are referring to obtaining this file, are you talking about obtaining it from the archives?

You were also making reference to this list that has Mr. Livingstone's name on it on June 6th. Are you talking about when the file was obtained at that point in time, or when the previous report was obtained from the FBI back in '93 or early '94, whenever that was?

Ms. COMSTOCK. I am asking what his knowledge was as of June 5th.

Mr. TURK. About what?

Ms. COMSTOCK. About how this file was obtained.

EXAMINATION BY MS. COMSTOCK:

Question. Had anyone told you anything as of June 5th that gave you an understanding of how this file had been obtained?

Mr. TURK. Obtained when; in 1993?

Ms. COMSTOCK. Yes. In December of 1993.

Mr. TURK. Because this request form doesn't ask for the FBI to send over a file. It asks for a previous report.

Ms. COMSTOCK. It was put in a file that was in Mr. Livingstone's office.

Mr. TURK. That may be, put in a file, so the file was not obtained from the FBI.

Ms. COMSTOCK. The file folder was not obtained. The previous reports that were obtained from the FBI.

Mr. TURK. It is a distinction worth making since the file was obtained in 1996 in response to your committee's request, but the file was not obtained from the FBI in '93, although something in the file may have been. So which of the two would you like the witness to focus on?

EXAMINATION BY MS. COMSTOCK:

Question. What was your knowledge as of June 5, 1996, of how the previous reports of Mr. Dale had been obtained from the FBI?

Answer. I don't have a specific recollection of June 5th or 6th or whatever you just asked me, the date.

Question. Do you know if Terry Good brought this file to the attention of anybody at the White House?

Mr. TURK. When?

Ms. COMSTOCK. In the last month or so.

The WITNESS. I have no recollection of Terry Good bringing the file to my attention.

EXAMINATION BY MS. COMSTOCK:

Question. Do you know if Chuck Easley knew about this file prior to press accounts of this file coming to light?

Answer. I don't recall any discussions with Chuck Easley about the file.

Question. Earlier this year when we sent a subpoena to the White House they sent out—did you ever produce this document and what would have been attached as files to anyone in the counsel's office in response to any subpoenas this year?

Mr. TURK. Could you read that back?

[The reporter read back as requested.]

EXAMINATION BY MS. COMSTOCK:

Question. The previous FBI background summary reports that were attached to this, did you ever produce that to anyone in the counsel's office this year in response to any subpoenas or document requests?

Mr. TURK. Do you understand the question?

The WITNESS. I do. As I recall it, I produced the document with the previous report some time in the last month in response to your committee's subpoena request to counsel's office at the White House.

EXAMINATION BY MS. COMSTOCK:

Question. Directing your attention to Ms. Sherburne's statement on the second page, it says according to the preliminary information now available to us, Mr. Dale's records remained in the archives until May 21, 1996, when they were retrieved for the purpose of responding to Representative Clinger's committee.

Do you have any knowledge as to whether you were involved in that retrieval on May 21, 1996?

Answer. Excuse me.

[Discussion with counsel.]

Mr. TURK. Maybe we can cut through this a little bit. If what you are trying to do is ascertain what Mr. Livingstone knows, if anything, about this file between May 21, 1996, and June 6, 1996, why don't you just ask him that?

Ms. COMSTOCK. I need to know before May 21st because apparently by May 21 the counsel's office had it. Since the witness doesn't remember a few weeks ago—

Mr. TURK. I don't think it is as difficult as it is seeming to be.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. Why don't we go with that, what knowledge you have of it from some time in May forward.

Mr. TURK. On or about May 21, 1996, to June 6, 1996.

The WITNESS. I don't recall any specific dates in relation to Mr. Dale's records.

EXAMINATION BY MS. COMSTOCK:

Question. Do you recall generally in the past several months learning about this file being turned over to the counsel's office?

Mr. TURK. Asked and answered. But you may answer again.

The WITNESS. I believe I testified that I was asked by counsel to produce the file in response to your committee's request. That is I believe what I said.

EXAMINATION BY MS. COMSTOCK:

Question. And you cannot place it in a time frame at all within the past month?

Mr. TURK. Ms. Comstock, he testified that it was some time within the last month, and he said he couldn't give you a specific date. This is today, June 19, so some time within the last month.

Ms. COMSTOCK. We have had a subpoena outstanding since January that was due in early February. If he is saying he responded to it in response to our committee I want to find out if it was in January or February or if it was within the last month.

Mr. TURK. He testified, I believe, that it was within the last month.

EXAMINATION BY MS. COMSTOCK:

Question. Is that correct?

Answer. I believe I said previously, when you asked me what I knew about Mr. Dale's records is that within the last month I was asked specifically by counsel's office to produce Mr. Dale's file in response to your subpoena request.

Question. Okay. Did you contact any of the people in archives about trying to ascertain anything having to do with these 400 or so files and how they had been archived?

Mr. TURK. When?

EXAMINATION BY MS. COMSTOCK:

Question. In 1994. Did you contact them recently about anything having to do with the archives?

Answer. I don't think I have ever talked to the Archive Department.

Question. Have you talked with Terry Good about anything having to do with Mr. Dale's records or with any of these 400 files, 400 FBI background reports?

Answer. I think that I had conversations with, a brief conversation with Mr. Good.

Question. Do you know when that was?

Answer. Recently.

Question. Could you describe that conversation?

Answer. I think that I was talking in general terms of record-keeping. As I recall it, I recounted that all I was ever instructed about record-keeping at the White House in terms of safeguarding FBI reports and similar investigative reports is that we were to treat them as Presidential records and that they were to be stored within records management and then forwarded to archives and then possibly if the President had a library.

I think that we both thought that it was important not to have too specific conversations about particular files, but in general terms I seem to remember that is the kind of thing we talked about.

Question. Do you recall anything that Mr. Good said to you about these documents?

Answer. He believed that in fact previous administrations had sent off background investigations, but wasn't sure, to the Presidential library, and not back to the FBI as it was reported.

Mr. TURK. Are we getting close here?

Ms. COMSTOCK. Yes.

The WITNESS. Thank you.

EXAMINATION BY MS. COMSTOCK:

Question. Did you have any knowledge of Mr. Marceca's files in the vault being separate and apart from other files that you had in the vault?

Answer. Did I have any knowledge when?

Question. Why don't we start with when Mr. Marceca was working at the White House during those 6 months.

Answer. I don't recall knowing where Mr. Marceca, if Mr. Marceca kept files.

Question. Have you since learned of Mr. Marceca keeping his files separate, in a separate place in the vault?

Mr. TURK. Answer that if you can without divulging any communications with counsel.

The WITNESS. I believe that in discussions with my staff about Mr. Marceca's files, ma'am, that I learned that he kept them separate. But I don't know for a fact that he did that.

EXAMINATION BY MS. COMSTOCK:

Question. Did you—what did they tell you about how he kept them separately?

Answer. I don't recall specifically, but I will give you the best of the conversation, as I recall it; that when Tony departed that his files were in a couple of bins in the vault.

Question. Have you ever made any reference to anybody at the White House about your knowledge of their background investigations, made any comments to any individuals about your knowing what is in their background files?

Answer. I am not sure if I understand what you are asking me.

Question. Have you ever made any comments to any of your colleagues at the White House about your knowledge of what is in their FBI background files, what sensitive information?

Answer. That would be part of my job to discuss with people about their background files.

Question. Have you ever made any comments to them outside an interview process, made comments to them about their background, information that you have learned from having access to and knowledge of the information in their background files?

Answer. I don't know. I mean, as I understand your question, I am not—do you have a specific question?

Question. This is a Time Magazine article from today. Directing your attention to the second page, the first column—

Mr. TURK. Why don't we take a minute. This is a two-page article from what, today's Time Magazine by Eric Cooley.

Mr. TURK. This is a pretty offensive line of inquiry, but—Okay. Could you reread the last question?

[The reporter read back as requested.]

EXAMINATION BY MS. COMSTOCK:

Question. In the first column the paragraph beginning, "Once inside the White House, the second sentence says, "Most disturbing, three former Clinton staff members told Time of Livingstone's habit of insinuating that he had read their security files. The message they contend was that Livingstone knew all about their peccadillos, but their secrets were safe with him."

Mr. TURK. I would like to read the entire paragraph because I think—actually you almost need to read the entire article to get a sense of gist, what a hatchet job it is and how incredibly reliable this reporter and the quality of his information is.

The paragraph reads as follows: "Once inside the White House, Livingstone continued to play the big shot. Most disturbing of his grandiose tendencies," which you left out when you read it, "three former Clinton staff members told Time was Livingstone's habit of insinuating that he had read their security files. The message, they contend, was that Livingstone knew all about their peccadillos, but their secrets were safe with him."

Your question?

EXAMINATION BY MS. COMSTOCK:

Question. Did you ever make any comments about information that you had read in people's security files to those individuals?

Mr. TURK. Objection. Asked and answered. But if this refreshes your recollection, Mr. Livingstone, you may answer. I would like to note for the record this is an incredibly cheap shot line of inquiry. Unnamed sources.

The WITNESS. I don't think that—would you ask the question one more time?

Ms. COMSTOCK. Would you read back the question?

The WITNESS. I don't think that—would you ask me the question one more time?

Ms. COMSTOCK. Will you read back the question?

[The reporter read back as requested.]

The WITNESS. I remember having conversations with not any specific individual but with individuals at different times about their background investigations, with many individuals about their background investigations.

Mr. TURK. As part of your official duty?

The WITNESS. As I said earlier, as pursuant to my official duties.

EXAMINATION BY MS. COMSTOCK:

Question. Outside an interview process or your official duties, did you make such comments to individuals about their secrets or confidential information that was in there that individuals may not want to be known publicly?

Mr. TURK. Can I suggest, why don't you just ask him the question outright? This article seems to suggest that Mr. Livingstone is poring through people's background reports and then walking around and lewdly and lasciviously winking at people about information he has read on their background to kind of—

Ms. COMSTOCK. I don't think it has to be that direct at all.

Mr. TURK. I think that's exactly what this article is suggesting. Why don't you just ask him if that's true?

Ms. COMSTOCK. I have asked him if he has ever—

Mr. TURK. If you are going to be—

Ms. COMSTOCK [continuing]. Used information that—

Mr. TURK. If you are going to ask an insulting question, ask it. Don't hint around about it. That is what the article is saying.

Have you done that, Mr. Livingstone?

The WITNESS. As I stated before, all I have ever—you know, as I recall, I have talked to individuals about their backgrounds. I recall instances where people—when I would be sitting at the mess at lunch in the White House and people would ask me how the process of their investigation is going.

I remember, to answer your question specifically, many occasions in the hall, outside of my office, at lunch and other places, where people would ask me how the process of their investigation was going.

Ms. COMSTOCK. I am not talking about the process.

Mr. COHEN. Let him finish his answer.

The WITNESS. I am trying to answer your question.

Mr. TURK. Let him finish the answer.

The WITNESS. And specifically to specific instances of issues and their background, that they asked me about.

EXAMINATION BY MS. COMSTOCK:

Question. That they asked you about, specific—

Answer. Or I would approach them and tell them the progress about specific issues in their background that we were working on, and they knew we were working on.

Question. But in the context of—what this article is saying, that their secrets were safe with you, did you ever make any comments to the extent that you knew

about personal private things in their background that might be problems but that this information was safe with you?

Mr. TURK. I am just going to object to this line of inquiry. Can we just wrap this up?

Ms. COMSTOCK. Can we just get a yes or no?

Mr. TURK. You have asked the question. He has answered it. Aren't you done? I mean, this is not a House fact investigation type question and I think——

Ms. COMSTOCK. I would just like a yes or no answer.

Mr. TURK. And I think you know. I believe the question has been asked and answered several times now.

EXAMINATION BY MS. COMSTOCK:

Question. Did you ever refer to any confidential information from FBI files in any unauthorized manner? Can you answer that yes or no?

Answer. I don't believe so.

Ms. COMSTOCK. Okay. Thank you, Mr. Livingstone.

[Whereupon, at 10:33 p.m., the deposition was concluded.]

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

IN THE MATTER OF: WHITE HOUSE TRAVEL

DEPOSITION OF ANTHONY MARCECA

TUESDAY, JUNE 18, 1996
Washington, D.C.

The deposition in the above matter was held in Room 2203, Rayburn House Office Building, commencing at 4:17 p.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Olson, Chief Counsel; Kristi Remington, Investigator; Laurie Taylor, Investigator; Ronald Stroman, Minority Deputy Staff Director; Donald Goldberg, Minority, Assistant to Counsel.

For ANTHONY MARCECA:

ROBERT F. MUSE, ESQ.

ERIN L. MCGRATH, ESQ.

Stein, Mitchell & Mezines

1100 Connecticut Avenue, N.W.

Washington, D.C. 20036

For ANTHONY MARCECA:

ANDREA MARCECA, ESQ.

Ms. REMINGTON. Good afternoon. We are on the record this morning for the deposition of Anthony Marceca, which will be administered under oath.

Let me identify the people present in the room. I am Kristi Remington with the Majority staff. Laurie Taylor, Majority staff, and Barbara Olson, will be joining us shortly. Don Goldberg is here for the Minority. I was informed that Dan Hernandez will be joining us later.

Before you are sworn, I would like to provide you with some background information concerning this investigation and your appearance here.

As you know, pursuant to its authority under Rules 10 and 11 of the House of Representatives, the Government Reform and Oversight Committee is investigating the White House Travel Office matter. This matter refers to all events leading to the May 19, 1993, firings of the White House Travel Office employees, and includes all information provided about the White House Travel Office and any employees of the White House Travel Office at any time from January 1st, 1993, to the present.

Our investigation also encompasses the activities of Harry Thomason, Darnell Martens, and Penny Sample at the White House as well as all allegations of wrongdoing concerning the Travel Office employees.

The committee investigation is reviewing all actions taken by the Federal Bureau of Investigation and the Department of Justice both prior to and after the firings,

including the actions by any field office personnel and any White House involvement in coordination or attendance of interviews.

The investigation includes, but is not limited to, the investigation and prosecution of U.S. v. Billy Ray Dale, and all investigations and subsequent reviews of the Travel Office firings by any agency, including, but not limited to, the White House Management Review, the FBI Weldon Kennedy/I.C. Smith review, the OPR review, the Justice Department OPR review, the IRS internal review, the Treasury Inspector General review, the General Accounting Office review, the proposed U.S. House of Representatives Resolution of Inquiry considered and voted on this in the House Judiciary Committee in July 1993.

We are reviewing all actions relating to or describing the criminal investigations into the White House Travel Office matter, including any subsequent action or activities of any kind as a result of the above mentioned events by the White House, the Treasury Department, the IRS, the GSA, the GAO, the FBI, the independent counsel, both Mr. Fiske and Mr. Starr, and the Department of Justice up to the date of this request, unless otherwise limited.

Do you understand that your answers are to include all information which you have involving these subjects.

Mr. MARCECA. I do.

Mr. MUSE. You prefaced all of that with "as you know." It is part of your script. He doesn't know that all of that, but I want the record to make sure that he doesn't endorse that qualifier.

Ms. REMINGTON. Do you want to review—

Mr. MUSE. No, I care not to review it. I care to suggest that you prefaced it all by saying that "as you know" and he would not want that be a qualifier that he endorses.

Ms. REMINGTON. The "as you know" referred to, I think, more of the investigation. There is an investigation going on.

Mr. MUSE. It may have; it is a syntactical ambiguity that I don't care to waste my time on.

Ms. REMINGTON. The committee has been granted specific authorization to conduct this investigation pursuant to House Resolution 369 which was passed by the House of Representatives on March 7, 1996. Pursuant to committee Rule 19, which was just provided to you, both the Majority counsel and Minority counsel will be afforded an equal opportunity to pose questions to each witness.

Committee counsels will proceed with equal rounds of questioning, each lasting up to 1 hour until both counsel have completed their questioning. The only exception to this will be if a member of this committee is present and wishes to pose questions to the witness. If so, the Member will be afforded an immediate opportunity to question the witness and committee counsel will then resume questioning when the Members have completed their questions.

You are here today voluntarily and not by subpoena; is that correct?

Mr. MUSE. That is correct.

Mr. MARCECA. My attorney answers for me.

Ms. REMINGTON. And you understand that this deposition is under oath. You will be allowed to confer with your attorney. If you do not understand a question, please tell me and I will try to rephrase the question, or Barbara Olson will rephrase the question. All objections raised by your attorney must be stated for the record with the reason for the objection clearly stated.

At that point, committee Majority counsel will determine whether to accept the objection as a proper objection. If Majority counsel does not agree, the objection is properly before this panel, she will confer with Minority counsel and ask that they express their views on the record. If the objection remains, it ultimately may be presented to the Chairman of the committee or his designee for resolution. The Chairman will consult with Ranking Minority Member before issuing his final decision on the objection.

You will be given a 5-day time frame which you and your attorney may review your deposition once it has been transcribed and to correct any technical problems that you perceive occurred in the transcription and to clarify any other matters.

After that review period, you will be asked to sign the transcript.

Do you understand that?

Mr. MARCECA. I do.

Ms. REMINGTON. Just as a matter of course, we have been getting these depositions back usually by the next day. So, by tomorrow afternoon it should probably be ready.

Mr. MUSE. Thank you.

Ms. REMINGTON. You are accompanied by your counsel, and I ask that you be sworn at this time.

THEREUPON, ANTHONY MARCECA, a witness, was called for examination by counsel, and after having been first duly sworn, was examined and testified as follows:

Ms. REMINGTON. We will go off the——

Mr. MUSE. I note that it is 4:25 and we have been waiting here since 4 o'clock. Counsel who has just been speaking arrived here approximately 10 minutes ago, and so it's 4:25 and we haven't had any questions to commence this deposition. And I want the record to reflect that.

Ms. REMINGTON. That's fine. We came as soon as we were notified that you were here.

Mr. GOLDBERG. I'd like to make a statement for the record—I'm sorry.

Mr. MUSE. I came as I discussed with Ms. Olson that we would be here.

Ms. REMINGTON. You will be noted for the record.

Mr. MUSE. We said we would be here at 4:00 and it is now 4:25 and you haven't asked a question. I wish you would start. In about 2 or 3 minutes, if you have no questions, I am going to have to get up and leave and announce that you apparently have no questions. I wish you would start.

Ms. REMINGTON. Are you through?

Mr. MUSE. Uh-huh.

Ms. REMINGTON. Fine.

Mr. GOLDBERG. Can I make a statement for the record?

Going back to the issue of scope, Minority doesn't necessarily concur with the definition of "scope" that the Majority counsel has presented. Even under the expansive description of "scope," which was read to you, which Minority doesn't ascribe to necessarily, it is hard to see how there are too many questions that are relevant to your role in the White House that would come out of your specific knowledge of the Travel Office employees's files.

Having said that, because of the interest of this issue, the upcoming hearings, the Minority does not intend to object to any of the questions based on scope. But I would like to state for the record that it's hard to see how many questions can be asked that would fall within the scope of the resolution.

Mr. MUSE. We are now almost at 4:30, and I'd like you to make some inquiry. Looks like we have——

Mr. GOLDBERG. Just in the nick of time.

Ms. OLSON. Hi, Barbara Olson. I'm sorry I was late. I was in a meeting.

EXAMINATION BY MS. OLSON:

Question. Can you give us your brief work history going back briefly from college, and then we'll get more into the details as we get up to the present date?

Answer. Yes.

Question. Okay. If you could just give us your brief work history.

Answer. I graduated from college in 1970 and I taught school for 1 year and I worked for Senator Muskie for about 6 months, 7 months, and then I got a job with Senator McGovern's staff. This was Senator Muskie's Presidential campaign. And then I worked for Senator McGovern's Presidential campaign. And then I went to the Department of Agriculture in Pennsylvania and I worked there for 2 years. And I left there and started an oil business of my own, and after a couple of months I got a job as a Pennsylvania State Constable in Pennsylvania. And in '83, I quit the job as Pennsylvania State Constable and took a job with the Texas Attorney General's office in July. And in November, I quit that job, and went to work for Senator Glenn's campaign. And in—I worked with him as an advance person until February, I believe, and I worked for Senator Hart from February until July as an advance person.

In July, I went to work for the Mondale/Ferraro Presidential campaign, and I worked as an advance person until November. Then I worked for a company named—called Penn & Shoen for a couple of months doing consulting work.

I worked for a company named National Strategies doing consulting work, and I then got a job in the Pennsylvania Department of the Auditor General, Bureau of Investigations. And I worked there from May of '85 until December of '87. And then January 4th, I started with the United States Army, Criminal Investigation Command, and that's where I am at present.

Question. And since you have joined the U.S. Army in January of 1988, have you worked on any political campaigns in any capacity?

Answer. Not to my knowledge.

Question. Did you have any participation in the Clinton/Gore campaign?

Answer. Not in the Clinton/Gore campaign—well, not in the Clinton/Gore campaign. Are you—not in the Clinton/Gore campaign.

Question. In the Gore campaign, did you have any participation in any of the campaign or previous political races that Mr. Gore participated in?

Answer. Gore ran for President in 1987.

Question. And what did you do when Mr. Gore ran for President in that campaign?

Answer. Can I consult with counsel?

Question. Certainly. Any time.

[Discussion held off the record.]

EXAMINATION BY MS. OLSON:

Question. Do you need the question?

Answer. Restate the question.

Question. Certainly. What did you do in the Gore for President campaign?

Answer. I was an advance person.

Question. Did you participate in any other campaigns other than those that you have talked about?

Answer. Yes, I did an advance trip for Paul Simon.

Question. When was that?

Answer. I think that was '87 also.

Question. Did you have any other—was that during one of his campaigns?

Answer. He ran for President in 1987 also.

Question. Other than that one advance trip for Senator Simon?

Answer. I might have done a couple but I know of one advance trip.

Question. You started saying when you were working for Senator Hart, you did advance work. Did you do advance work when you were working for Senator Glenn?

Answer. Yes.

Question. And when you were working for Senator Muskie's campaign, did you do advance work?

Answer. No, I was a field organizer for Muskie and McGovern.

Question. Since you have been working at the U.S. Army in 1988, have you had any details?

Answer. Two.

Question. Can you please describe those details?

Answer. I had a detail to the U.S. Senate Special Committee on Investigations for Indian Affairs. And I had a detail to the White House, the Office of Presidential Security—or Personnel Security, sorry.

Question. The Special Senate Committee for Indian Affairs, when was that?

Answer. September of '88 until June of '89.

Question. And in your detail for the committee, what did you do?

Answer. I did investigations.

Question. Okay. And when did your detail at the White House begin?

Answer. I believe it was August 18th, 1993.

Question. In your position with the U.S. Army, CID, can you describe what background you had previous to going to the Army in investigations?

Answer. Yes, I was first credentialed as a CID agent going to school and receiving my credentials in 1983. And I have been in the CID Reserve Unit since 1980, and I'm still in the unit.

Question. And where were you working in '83 when you first became credentialed?

Answer. I was with the Texas Attorney General's office when I got—when I got my credentials in October of '83.

Question. Okay. And did you do investigative work for the Texas Attorney General's office?

Answer. Yes, I worked in medicaid fraud.

Question. Okay. And you said that after that you went to some school. Was that also while you were at the Texas Attorney General's office?

Answer. To become credentialed I had to go to military schools, basic criminal investigation schools, and I did that. And that's how I—I had to—I had to do that to become credentialed.

Question. Okay. The consulting work that you did—

Answer. Right.

Question [continuing]. Did that have to do with investigations in any way?

Answer. The consulting work with Penn & Shoen was not investigations but was what they called "survey work." And at that time there was a study going on, a Department of Defense study was going on at that time and the work I did for Penn & Shoen was part of that study for the Department of Defense.

Question. And the other company, I think it was National Strategies?

Answer. National Strategies. That was similar to advance work.

Question. Can you just describe how it was similar?

Answer. The National Strategies, as I recall, had a contract to stop offshore burning of dioxins and PCBs, and it was a public interest—it was a public—they were having these public information activities to stop the offshore burning and I acted as an advance person for that.

Question. Can you just briefly describe what your job with the U.S. Army, CID Unit, includes, what type of responsibilities you have and what type of activities you have pursued since 1988 in that unit?

Answer. I am in the procurement fraud office. It's actually called the Procurement Fraud Division. And I investigate fraud against the United States Government as a primary responsibility.

Question. Does that include all executive branch agencies or do you not go that far? What type of agencies are under investigation by your unit?

Answer. The Army Criminal Investigation Command is responsible for investigating crimes against the United States Army. Our focus is on crimes against the United States Army, particularly contracts. Our first order of business is contracts, but it can be anything that affects the troops.

Question. So, your investigation involves a lot of private contractors to the government?

Answer. Our investigation—would you repeat the question?

Question. Well, maybe I should just ask a more open question. What type of entities are investigated in the Procurement Fraud Division that might have a fraud against the government?

Answer. There are government employees that are investigated. There are contractors that are investigated. Those are the two in the fraud arena. It would be the contracting office and the contractors. The user, which would be the Army, sometimes we investigate the user.

Question. Okay. Do you liaison with the FBI in your work with the CID procurement fraud unit?

Answer. I personally am not a liaison person. We have liaison persons.

Question. But within your activities and investigations, do you work with the FBI or have you ever had opportunities to have an investigation that works with the FBI?

Answer. Yes.

Question. Have you dealt with any agents in particular that you recall from the FBI in your job in the CID Procurement Fraud Division?

Answer. Yes.

Question. Do you recall those agents' names that you might have worked with?

Answer. Yes.

Question. Could you give those to us, please.

Mr. MUSE. I object. It strikes me that some of this might have confidential features. You can demand and overrule the objection on this basis, but some of his work, as you know, was covered by 6(e) of the Federal Rules of Criminal Procedure, and he wants to, through counsel, state that he would object at making disclosures about investigations or who he consulted with because it may run afoul of his obligations under rule 6(e) as well as other law enforcement obligations he may have had.

Ms. OLSON. I do not want to go into any 6(e) grand jury work that he has done or reveal any work he's done concerning a grand jury investigation. I simply—I'd like to limit my request to asking the names of agents that he's come in contact with in any manner that he knows well enough to recall their names that he would—has worked with and that would know his work background or he would consider them to be co-workers on investigations.

Mr. MUSE. Do you want a couple of names?

Ms. OLSON. Well, I want names that he has worked with in a significant amount of time that he recalls and would be able to likely recall working with him because they had that type of contact. And I don't believe that would violate a 6(e) if we are just going through a list of FBI agents that he has come in contact on a professional basis.

Mr. MUSE. I could speculate how it would.

Ms. OLSON. If it does, I do not want to violate a 6(e), and you know the parameters of Mr. Marceca's work and just want names of FBI agents that he has professional relationships with.

Mr. MUSE. Why don't we come back to that and we will give you some names.

Ms. OLSON. Okay.

EXAMINATION BY MS. OLSON:

Question. Have you ever worked with any FBI agents from a unit that's known as the SPIN Unit?

Answer. I don't know that they were specifically with the SPIN Unit.

Question. And this would be within your work in the CID with the Army. I'm not going into the work that you did at the White House or any other detail. This would be special investigations background unit. I'll get you its official name. It's the Special Inquiry and General Background Investigations Unit is what it is now known as in 1968. I think back in 1993 it was only known as the Special Inquiry Unit.

Answer. That question goes to the previous question. I think we are going to have a hold on that one for now.

Question. Within your responsibilities with the U.S. Army, do you perform any background checks or review background checks?

Answer. Yes.

Question. Can you describe circumstances under which have you done that?

Answer. If they involve a witness in a case, I would conduct some sort of a background check on them.

Question. And are those background checks kept within the Army or are they in the FBI?

Answer. They're kept within the Army.

Question. What is the name of the unit within the Army that handled background checks and that type of information?

Answer. Each individual agent would handle that as part of the case file.

Question. And that would be when you would actually perform a background check; is that correct?

Answer. Part of investigation, correct.

Question. Do you ever have a situation where you have gone to the Army to obtain background checks that they have in the course of your work with the CID?

Answer. You're using a real very, very broad term here. And you need to define the term that you're using. Because what you're speaking of is just very broad.

Question. Okay. And I have limited knowledge, obviously, the way the Army works and it keeps this information. Can you describe generally what kind of information does the Army keep as far as backgrounds on individuals that work within the Army or if they keep background information on contractors.

Mr. MUSE. I think actually his objection is a good one for this reason. I think the phrase he was talking about is "background checks." And you may be equating background checks as he is involved in a witness investigation with a background check that may go to a personnel matter at the White House.

I suggest that they're probably not synonymous and there is a lot of mischief created when you try to draw the equation. I think it is just in the fact that they are not synonymous that you are going to have trouble here. But I don't mind him answering, except he is going to get into areas that may otherwise be confidential about how he conducts investigations. I can't imagine that is germane to your inquiry.

EXAMINATION BY MS. OLSON:

Question. I just want a general outline of if there is a similar unit within the U.S. Army as I've described. We all know that the FBI does have a unit which handles the files and performs background checks and keeps information on individuals and keeps files where they would have information on individuals who had committed crimes or had any wrongdoing in their past.

Is there similarly a unit within Army that has that sort of function for those that are in the Army?

Mr. MUSE. I am going to object because I can see there would be a problem. The FBI gathers a lot of information. I don't know whether what you say is true; the FBI has a unit that comprehensively keeps information which you categorize as background information.

FBI we know does gather information. To say that there is a unit that is fixed in terms of that mission with regard to the way you just described it I think is probably inaccurate. So, for him to draw from your premise that there is an equivalent is in itself going to create a problem.

If the issue is does the Army gather information about someone's background generally, I think that is a given. For him to speak more broadly about that is I think not too productive.

EXAMINATION BY MS. OLSON:

Question. I have a more direct question. Are you aware of the United States Army Central Security Clearance Facility at Fort Meade?

Answer. Yes.

Question. Can you tell me generally what they do?

Answer. They act upon background investigations and they issue clearances.

Question. What do you mean by "they act on background investigations"?

Answer. They receive background investigations. They evaluate those background investigations. And then they issue clearances, security clearances.

Question. Who are these clearances for, what category of individuals?

Answer. People who work for the Department of Defense. I'm answering your question in a broad sense. People who work for the Department of Defense who need security clearances.

Question. Okay. Do you have a security clearance within the Army?

Answer. Yes, I do.

Question. And what is that clearance?

Answer. It is top secret.

Question. So is there a background investigation on you at the Central Security Clearance Facility?

Answer. I don't think that it's there.

Question. Where is your background?

Answer. I would think that my background would be with where they are stored, and I do not believe they are stored there. I don't know where they're stored actually is the answer to that question.

Question. Are they performed by this unit, those—this Central Security Clearance Facility?

Answer. I'm really not educated in all of the duties of central clearance facilities, and I can't give statements about them.

Question. I guess I was just asking if you had a clearance that came from this Central Security Clearance Facility or those that work at this facility or if there is another unit that does the actual background investigations?

Answer. I would presume that I did, that I had a clearance from the central clearance facilities. But I cannot tell you that I have a clearance from them. I can only presume that.

Question. Do you know who your clearance is from?

Answer. No, I don't. I know—no, I don't.

Question. Have you ever had an opportunity in the course of your work to retrieve or request files from the Central Security Clearance Facility?

Answer. I might have. I might have done that, yes.

Question. Have you ever done that at the request of anyone in the White House?

Answer. Not that I can recall.

Question. Have you ever delivered any such files to anyone at the White House?

Answer. Not that I can recall.

Question. Can you tell us do you know a person named Craig Livingstone?

Answer. Yes, I do.

Question. Can you please just tell us how you met him?

Answer. I first met Livingstone in 1984 when I was working for the Hart campaign.

Question. And you were doing advance work?

Answer. Yes.

Question. And can you tell us the circumstances under which you met Mr. Livingstone?

Answer. He was working on an event that I was assigned to.

Question. And what was that?

Answer. I don't recall.

Question. Can you tell us what his function was in the campaign, if he was working in the campaign?

Answer. He was an advance person, the same as I was.

Question. Using the Hart campaign as an example, can you just describe if it's full-time if you are a member of the campaign staff or a volunteer, what your status is when you are an advance person?

Answer. I was paid a consulting fee. I was paid a consulting fee for doing advance work.

Question. So you're considered an independent individual rather than a part of the campaign staff?

Answer. That's right.

Question. Do you know if Mr. Livingstone had a similar arrangement?

Answer. I believe so.

Question. Is that true of all the advance work you have done? Was it set up in that manner? Rather than being a part of the campaign staff, it was an independent consulting arrangement?

Answer. I believe that it was all like that. I don't think that there was any time that I was on the staff, so to speak, of the individual.

Question. Did you work with Mr. Livingstone on numerous trips?

Answer. Yes.

Question. Can you just describe what kind of relationship you had with Mr. Livingstone during the period of the Hart campaign?

Answer. We got to be friends and we found that we worked good together, and he would handle the public relations end of the advance and I would handle the logistics end.

Question. Did you work until the end of the campaign?

Answer. The Hart campaign?

Question. Yes, sir.

Answer. Yes.

Question. And was Mr. Livingstone there most of the time until the end also?

Answer. Yes.

Question. Okay. Did you stay in contact with Mr. Livingstone after the campaign ended?

Answer. Yes.

Question. Okay. Can you just describe your contact with Mr. Livingstone after the campaign ended?

Answer. I called him on occasion.

Question. Okay. And other than just social contacts, did you have business contacts during the period after the Hart campaign?

Answer. I don't understand the question.

Question. Other than calling someone on a social basis to see how they are, did you have any professional contacts or business contacts with Mr. Livingstone after the campaign?

Answer. Not after the Hart campaign.

Question. Okay. Did there come a time when you came back into contact with Mr. Livingstone on a professional basis?

Answer. About 1 week later.

Question. Okay. Can you describe that?

Answer. We worked together on the Mondale campaign.

Question. Was there—can you describe how you both came to work together on the Mondale campaign a week later?

Answer. The management of the campaign knew Mr. Livingstone and myself and they kept us together as a team. Not every trip was together, but most of the trips were together.

Question. And did you evolve into sort of a team toward the end of the Hart campaign working advance?

Answer. We worked as a team during the Hart campaign and during the Mondale campaign.

Question. And did you continue with the Mondale campaign until the end?

Answer. Correct.

Question. And did Mr. Livingstone similarly continue?

Answer. Right.

Question. And when that campaign ended, did you remain in contact with Mr. Livingstone?

Answer. Yes.

Question. What kind of contact, how often?

Answer. We remained friends. I contacted him, I don't know how often, but I stayed in contact with him, and a number of other people that I have known through the years.

Question. Did there come a time where you had an opportunity after the Mondale campaign to work with Mr. Livingstone again?

Answer. Yes.

Question. Can you please describe that?

Answer. Later on, in 19—I believe it was '86, I went to Colorado and worked on the Gary Hart announcement for President. And there was some other political things but I don't recall exactly what they were.

Question. And how did you have a contact with Mr. Livingstone when you were in Colorado on the Hart for President?

Answer. I went out there—we met out there and we did the announcement for Senator Hart.

Question. Did he involve you in that matter or did you independently—were you independently requested to join that matter without his aid?

Answer. I believe whoever was managing the Hart campaign asked us to do it.

Question. Okay. And was that someone who had known you from the previous campaign?

Answer. Yes.

Question. And in what capacity did you work together out in Colorado?

Answer. Advance.

Question. Okay. And was it similar to the work you had done with the earlier Hart and Mondale campaigns?

Answer. Yes.

Question. And did you stay with the Hart for President campaign until the end? Or until it stopped?

Answer. I was working at the State Bureau of Investigation and I would take vacations and do a trip with Mr.—generally it was with Mr. Livingstone.

EXAMINATION BY MS. OLSON:

Question. The State Bureau of Investigations, let's see, that wasn't Texas, because that was 1983. Which State was that?

Answer. Pennsylvania.

Question. Pennsylvania, I'm sorry.

And is that—that is State government—

Answer. Correct.

Question [continuing]. Job? Okay.

Were you full time with the State Bureau of Investigations?

Answer. Yes.

Question. And you said you would take vacation time when you would go do the advance work?

Answer. Right.

Question. What period of time—how long did you work with the Hart for President group?

Answer. I would go out for one or two or three days and then come back.

Question. And were those always with Mr. Livingstone also?

Answer. I went out with the Hart campaign, yes.

Question. Okay. When that ceased, did you continue in contact with Mr. Livingstone?

Answer. Yes.

Question. And can you describe that contact?

Answer. It was still as a friend.

Question. And the same question. Did there then come a time where you had professional contacts again with Mr. Livingstone?

Answer. Yes.

Question. Can you please describe that?

Answer. Oh, in 1987 he asked me to work with him on the Gore announcement.

Question. Were you still living in Pennsylvania at that time?

Answer. Yes.

Question. Can you describe what you did with Mr. Livingstone working on the Gore announcement?

Answer. Advance.

Question. And were you working with Mr. Livingstone basically in the same capacity, the same manner, as you had on the previous campaign?

Answer. Yes.

Question. Okay. And how long did you work with Mr. Livingstone on this, the Gore announcement?

Answer. I did a couple of trips.

Question. Were you still working with the State Bureau of Investigations at that time?

Answer. Yes.

Mr. STROMAN. I'm Ron Stroman with the Minority staff of the Government Reform Committee.

Ms. OLSON. And do you know everyone at the table?

Mr. STROMAN. I do not.

Ms. OLSON. Okay. You do know Mr. Marceca.

Mr. MUSE. I am Bob Muse. I am counsel.

Ms. MARCECA. I am Andrea Marceca.

EXAMINATION BY MS. OLSON:

Question. We had just gone through the Gore announcement and I guess a few trips.

After you finished working on that, did you have contact with Mr. Livingstone after that ceased?

Answer. Yes.

Question. Okay. What type of contact was that?

Answer. We remained friends in 1988. I mean, you know, in 1988 we stayed in contact, 1988 to the present.

Question. How long did you participate in the Gore campaign?

Answer. There was just a couple of trips a couple days; a couple of trips and a day or so each.

Question. Did it span over a month or a year?

Answer. As I recall, Gore dropped out of the race, so he was in it for a while, and then he dropped out.

Question. And after this period, did there come a time where you had an opportunity to have professional contact with Mr. Livingstone again?

Answer. I don't understand the word "professional." Is that—what are you saying?

Question. After Mr. Gore dropped out and you were no longer doing any advance work, I assume you went back and you were still working at the State bureau of Investigations in Pennsylvania?

Answer. Right.

Question. Other than purely social calls to Mr. Livingstone, did there come a time where you spoke with Mr. Livingstone on a professional basis concerning your job or your work, either on campaigns or your work as you were presently doing with the State Bureau of Investigations?

Answer. I was a friend of Mr. Livingstone's. If I contacted him, it was on a friendship basis.

Question. Okay. And other than on a friendship basis, since that time have you ever had any conversations or any contact with Mr. Livingstone on other than just a purely social basis?

Answer. I did at the White House.

Question. Can you describe how those contacts were first initiated?

Answer. Well, you have just made a big skip here. You just—

Question. Okay. What did you do after you—you stopped working on the Gore for President, you stayed at the State Bureau of Investigations?

Answer. Right.

Question. When did you leave the State Bureau of Investigations?

Answer. On December 30th, I think, of 1987.

Question. Okay.

Answer. I started with Army CID on January 4th, 1988.

Question. Did you have any contact with Mr. Livingstone when you started with the Army in January of 1988?

Answer. I might have told him some time thereafter that I was going to work for the Army, but I don't—you know.

Question. And other than purely social or just discussing non-business, did you ever conduct any business or work on any campaigns from the time you started in 1988 with the Army?

Answer. No. The only involvement that I had with—or the next involvement that I had with Mr. Livingstone was on election night of 1992.

Question. Can you please describe that?

Answer. I am speaking of other than friend—you know, they were all friendly calls, and on November—the election night, he called me from Little Rock and told me that Bill Clinton had won, and he had been working on the campaign. I knew he had been working on the campaign.

Question. I take it you did not participate in the campaign at all?

Answer. No, I didn't.

Question. Did you provide any advice or any other help to Mr. Livingstone while he was working on the campaign?

Answer. Mr. Livingstone was on the road, and I actually saw very little of him that year, of 1992.

Question. What was your understanding of what he was doing for the Clinton-Gore campaign?

Answer. Advance work.

Question. Okay. Did he contact you regularly during that year?

Answer. As I said, I saw or even heard from him very little during that campaign year.

Question. Can you just generally describe your contacts with Mr. Livingstone in 1992?

Answer. I frankly cannot recall any specific events during that year, except for that night in November.

Question. And you said he had called you from Little Rock. Can you just tell us what the substance of that conversation was?

Answer. He told me that he was going to try to be in charge of security at the Presidential Inaugural Committee.

Question. Did he tell you who he was working with?

Answer. No, he didn't.

Question. Did he ever mention Harry Thomason's name to you during your conversations with him, either during the 1992 campaign or during the Inaugural?

Answer. I don't ever recall him mentioning that name. I don't recall it at all.

Question. Did he ever tell you whether he was, in fact, in charge of security for the Presidential Inaugural Committee?

Answer. About a week later he called me and asked me to stop by the Navy Yard.

Question. And what was the purpose of that?

Answer. I stopped by the Navy Yard, and he asked me if I had any vacation time, if I could help in the Presidential Inaugural.

Question. And as a result of that conversation, what happened?

Answer. The first thing I did was check with our legal staff to find out if it was legal, and I got a copy of the law and it said it was legal for me to do it on my own time, and I went down and acted as a security coordinator for him at the Presidential Inaugural Committee.

Question. Can you just briefly describe what a security coordinator is?

Answer. I helped organize a system for passes into the building. I held—we started planning—from the very beginning we started planning the Inaugural event from the security position as far as access. That is all. It was access to events, and that is what that office mainly concerned itself with.

Question. And did you work directly for Mr. Livingstone?

Answer. I volunteered in that office, and Mr. Livingstone was the—I believe he was called the supervisor or director. I don't recall what his title was.

Question. As a volunteer, was there anyone else who directed your activities or gave you tasks to do as a volunteer other than Mr. Livingstone?

Answer. No. He was the supervisor.

Question. Okay. Other than Mr. Livingstone, did you work closely with any other individuals?

Answer. Not to my knowledge. That is about the only—it was a separate office. That is where I worked.

Question. And where was that office located?

Answer. In the Naval Yard on the first floor.

Question. When did you start helping out and volunteering as a security coordinator for the Inaugural?

Answer. As I recall, it was mid-November, or I think I was off for about 40 days, but I am not sure. I would have to check my leave slips for that.

Question. But you think it was approximately 40 days?

Answer. I really don't recall. I remember I had an awful lot of use or lose, and I used my use or lose for that.

Question. And how long did you volunteer for the Inaugural?

Answer. Until the day of the swearing in.

Question. Okay. During your work as a security coordinator, did you meet a lot of the individuals who later wound up working at the White House on a full-time basis?

Answer. I really didn't meet very many people there. The people that I—that I came in contact with were mostly city officials, firemen, policemen, Park Service, that sort of thing.

Question. Did you meet William Kennedy during that period that you were volunteering?

Answer. No, I did not.

Question. Did you know Bill Kennedy prior to that period?

Answer. No.

Question. Did you have an opportunity to meet the First Lady during that period?

Answer. I might have, but I'm not sure that I did.

Question. And did you know the First Lady prior to that period?

Answer. No.

Question. Do you know if you met the President during that period?

Answer. I don't believe I did.

Mr. MUSE. It is 10 past. Why don't we take about a 5-minute break. You can tell me how long you are going to be.

Ms. OLSON. I am moving through as quickly as I can. I will look at it, but I am certainly not toward an area where I can say I know how much we have until the end.

[Recess].

Ms. OLSON. We should probably go on the record.

I have had discussion with Mr. Muse, who has informed me that my Republican colleagues, as he had stated, were interested in talking to Mr. Marceca on the Senate side, and I assume that is today they are interested in talking to your client.

Mr. MUSE. That is correct.

Ms. OLSON. This deposition has been set. We are very interested in receiving information, and I will not cut it short because somebody else wishes to see Mr. Marceca. I will attempt to go as quickly as I can through. This deposition appears to be moving very quickly. I am receiving answers to my questions. I see no reason it should go inordinately long, but I do not believe it will be done before—as I said, I am on one page of seven pages. Even if we move extremely quickly, I have a minimum of two more hours of questions.

If you at any time need to make a phone call to anyone over there and tell them that, we will stop and you can make a telephone call. I will get on the phone and explain to them that I have am not done and that I have requested that you not leave until I finish with the deposition.

Mr. MUSE. Well, we will see where we are. And you will do it with dispatch and as much speed as you can.

Ms. OLSON. I certainly will.

EXAMINATION BY MS. OLSON:

Question. Before we took a break, we were talking about the work that you did as a volunteer, security coordinator at the Inaugural until the day of swearing in.

Were you actually at the Inaugural events working as a volunteer the day before the swearing in?

Answer. No.

Question. Okay. Did your security coordination end at that point?

Answer. I was in the Navy building coordinating movements from the Navy building from the command post.

Question. Okay.

Answer. As—in a very narrow area.

Question. Okay. And on the day of the swearing in, were you assisting Mr. Livingstone in your work as a volunteer security coordinator?

Answer. I was in the command post on the day of the swearing in.

Question. Okay. And after the swearing in, did you cease to be a volunteer then for the Inaugural?

Answer. Yes.

Question. And I take it then you went back to work with the CID unit?

Answer. The next day, yes.

Question. Did you keep in contact with Mr. Livingstone after that?

Answer. Yes, I did.

Question. Can you describe your contact with him?

Answer. A couple of weeks later I contacted Mr. Livingstone and asked him if he knew of a way I could get a detail to the National Security Council at the White House. I believe Mr. Livingstone was working in the White House at that time.

Question. Did there come a time where Mr. Livingstone discussed his new position that he was going to have at the White House with you?

Answer. I—he—Mr. Livingstone stated that he would check on the National Security Council possibility. He did so, got back to me a couple of weeks later, and said that he did not think it was possible, but he suggested that there might be a possibility of my working in his office.

Question. And was that still in January of 1993 that you had this contact?

Answer. No. This is like late February.

Question. Prior to Mr. Livingstone starting at the White House, did there come a time where he told you he was going to receive a permanent employment with the new Clinton administration?

Answer. Not that I knew of. Up until the Inauguration, he did not know if he had a job with the new administration or not.

Question. When did you first find out his position with the new administration?

Answer. Somebody that—somebody told me that, or I might have read it in the paper. I really don't know how I found out about it.

Question. Did Mr. Livingstone ever discuss his new position with you or obtaining his new position?

Answer. I don't understand what you mean.

Question. Did he ever tell you how he got his job with the Clinton administration at the White House?

Answer. Not specifically, no.

Question. Did he give you any general information about how he obtained the job as head of the Office of Personnel Security?

Answer. No. He didn't have that conversation, that I recall, of that manner.

Question. Did he ever describe what he was doing as head of the Office of Personnel Security in the White House to you?

Answer. Not until I got detailed over there did we have any conversation of any depth about his job. We had a prior conversation about what I might be doing.

Question. But I just wanted to ask you about his job right now. You did not, until you really came over there, talk about his job?

Answer. Correct.

Question. Did he discuss his advance work that he was doing after he started in the Clinton administration with you?

Answer. I didn't know that he was doing advance work.

Question. In January when you asked Mr. Livingstone for a possible NSC detail, do you know who he went to?

Answer. No, I don't.

Question. Did he ever discuss any of the individuals that he was reporting to or worked for in his position at the White House?

Answer. No.

Question. After he mentioned to you in late February that there might be a possibility of another detail, can you please describe that conversation?

Answer. He explained to me that there was a possibility that there would be a position open in his office processing paperwork, it would be a clerical-type position. I explained to Mr. Livingstone that I, number one, always wanted to work in the White House; number two, believed it to be a gold plating of my resume if given the opportunity, and I would like to do it.

Question. At this time, are you on a GS-level salary?

Answer. Yes.

Question. And what was your GS level in late February?

Answer. I was a 12. I had been promoted on paper about a year before that to a 13, but it hadn't come through.

Question. Okay. And do you know what the GS level of the position was that Mr. Livingstone was discussing with you?

Answer. He never discussed that it had a GS level.

Question. So what happened with that possibility that he mentioned to you?

Answer. He in March contacted me and told me that he had gotten permission to get someone for the position and for me to send him a resume, which I did. I faxed it to him. That was followed up by a letter from Kennedy.

Question. Do you believe you faxed your resume to him in March also?

Answer. Right.

Question. Did Mr. Livingstone discuss any facts about his office or the way in which it ran at this point in March when you were discussing this position?

Answer. He explained to me that the position would be a clerical-type position going over people's background reports and making files and collating information, and it was a very—in his estimation, it was a job that was not investigation, did not involve investigations.

Question. Was Mr. Livingstone aware of your security clearance at this time?

Answer. Yes, he was.

Question. And how was he—if you know, do you know how he knew of that?

Answer. I think I faxed a copy of my clearance to him.

Question. Okay. Did you have any discussion with Mr. Livingstone about whether your security clearance would help you with this position?

Answer. Mr. Livingstone, as I recall, thought that it would be a selling point because everyone in his office needed a clearance of some sort, and that that would have already been, you know, one of the benefits to the office to have that.

Question. You said that there was a letter. Did Mr. Livingstone discuss who at the White House he was talking with or had received permission to hire?

Answer. I believe he had mentioned at some time, as I recall, that he was going to go to Mr. Kennedy.

Question. Did Mr. Livingstone ever mention to you discussing this with the First Lady?

Answer. No.

Ms. OLSON. I have a document I am going to mark as Deposition Exhibit Number 1. It is a letter dated April 5th, 1993, and it is Bates-stamped number CGE 43823.

EXAMINATION BY MS. OLSON:

Question. I will give you a copy of this. If you would just review this letter and tell me if you have ever seen it.

Mr. MUSE. Actually, there are two letters, there are three letters all appended together.

Ms. OLSON. Can I take that? I apologize. It got stapled together in copying.

The WITNESS. That is a demerit.

Ms. OLSON. It should be.

[Marceca Deposition Exhibit No. 1 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. That is a two-page document that is now marked as Deposition Exhibit Number 1.

Mr. MUSE. The question is have you seen it before?

The WITNESS. Yes.

EXAMINATION BY MS. OLSON:

Question. Can you please tell me—describe the circumstances under which you have seen the document?

Answer. At some point this letter reached my boss's desk and—

Question. And did he inform you that he had received it?

Answer. Yes.

Question. This letter is dated April 5th, 1993. Did you have any conversations with Mr. Kennedy, who is the author of this letter, prior to that date?

Answer. I don't recall.

Question. Okay. Did Mr. Livingstone ever tell you that he had discussed your qualifications with Mr. Kennedy?

Answer. I believe he did.

Mr. MUSE. Let me amend his answer so that there is no misunderstanding. There is a yellow marking, that is not marking that he received. He saw the letter.

Ms. OLSON. It is a highlight. Absent the highlighter.

Mr. MUSE. That is the point I want to make.

EXAMINATION BY MS. OLSON:

Question. The letter also has a CC. Is one of your bosses Commander Peter Berry, or David C. Allen?

Answer. Berry is the General, was the General, and Mr. Allen was the director.

Question. And they were director during the 1993 time frame that this letter is written?

Answer. Right.

Question. Did you report directly to one of these individuals?

Answer. No. I reported to an SAC, special agent in charge.

Question. And did that special agent in charge report to either Mr. Allen or Commander Berry?

Answer. Yes.

Question. Was it Mr. Allen?

Answer. Yes.

Question. And then did Mr. Allen report up to Mr. Berry?

Answer. Yes.

Question. Okay. This letter is to the Honorable Les Aspin, Secretary of Defense. Did you provide any advice or request that the letter go to the Secretary of Defense?

Answer. I provided Mr. Livingstone with a copy of a request that was used to bring me on detail in 1988 to the Senate.

Question. Was that detail similarly done?

Answer. The format was about the same.

Question. Were you on a non-reimbursable basis when you were detailed to the Senate; do you know?

Answer. As I recall, the Senate had to pay my salary, and the White House, it was—I'm not exactly sure what the term is in there. One is non-reimbursable, one is reimbursable.

Question. Are details normally for six months? Is that the regular—or is there any regular timetable? Is it just case by case, if you know?

Answer. I know of details that are five and six years long, so a detail can be for any length of time, as I understand it.

Question. I didn't know if the Army—if you were aware of any requirements in the Army that they be in a six-month increment?

Answer. I don't know offhand what the procedure is for details, what the law is.

Ms. OLSON. The second document that I am going to mark as Deposition Exhibit Number 2, it is CGE 043821. It is an April 6, 1993 letter to Mr. Kennedy from David C. Allen, and it says "Director," and I believe he is Director of Procurement Fraud.

[Marceca Deposition Exhibit No. 2 was marked for identification.]

Mr. MUSE. And the question is?

EXAMINATION BY MS. OLSON:

Question. Have you ever seen that document?

Answer. Yes.

Question. Can you just describe the circumstances under which you saw that document?

Answer. I believe I saw a copy of that document at some point, and it might have been given to me by Mr. Allen, but I am not sure. But I did see the document.

Question. In the first paragraph it talks about a telephone conversation that occurred between, I believe, Mr. Allen and Mr. Kennedy. Were you present during that conversation?

Answer. No, I was not.

Question. Were you informed of the contents of that conversation?

Answer. I might have been through my boss, but I don't believe I was informed directly by Mr. Allen.

Ms. OLSON. There is only one other letter which I am going to mark as Deposition Exhibit Number 3, and it is Bates-stamped number CGE 43816. It is an April 13, 1993 letter, again to the Honorable Les Aspin from William Kennedy, and it has the same CC as Deposition Exhibit Number 1.

[Marceca Deposition Exhibit No. 3 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. My question is have you ever seen that document?

Answer. Yes, I have seen that.

Question. Do you know why a second letter went to the Secretary of Defense, being that Deposition Exhibit Number 1 was an April 5th letter, and then that is a letter that was just the following week?

Answer. I don't know why.

Question. Did anybody tell you what had happened to cause a second letter to be written to the same individual concerning your detail?

Answer. I don't know.

Ms. OLSON. The following is two letters, which are both dated June 22nd. I am going to make them Deposition Exhibit Numbers 4 and 5.

[Marceca Deposition Exhibits Nos. 4 and 5 were marked for identification.]

EXAMINATION BY MS. OLSON:

Question. The first is a June 22nd letter. The first page is Bates-stamped CGE 43814. It is a letter from William Kennedy, Associate Counsel to the President, to Colonel Michael Sherfield, and I ask you if you have ever seen the Deposition Exhibit Number 4 before?

Answer. I believe I have seen it. I think I have seen that letter.

Question. Do you recall when you saw that letter or under what circumstances?

Answer. No, I don't.

Question. Do you know if you were already at the White House when you saw it or during this time period before you came to the White House?

Answer. Are you cognizant of the date of the letter?

Question. The June 22nd, 1993?

Answer. Correct.

Question. Do you know—

Answer. I went to the White House in August.

Question. Yes, sir.

Answer. And your question was?

Question. Do you know if you saw the letter at the time when it was drafted in the June time period or at some point after when you went—started at the White House?

Answer. I believe it was after I started at the White House.

Ms. OLSON. I am going to put in the record a second document which is the same date. It is Bates-stamped number CGE 43819, and it is what I believe to be exactly the same copy of Deposition Exhibit 4, and I have titled this one 4-A, since I believe it to be the exact same copy, and it is being put in the record just for completeness. I don't really have any questions about the letter, absent any comments that you wish to make about the letter.

[Marceca Deposition Exhibit No. 4-A was marked for identification.]

Mr. MUSE. No, since there is no question.

EXAMINATION BY MS. OLSON:

Question. The next document is Deposition Exhibit Number 5, and it is Bates-stamped number 43812. It is from the Office of the Secretary of Defense in Washington, D.C. It has a date stamp on it—

Answer. Could we stop for a minute? I do not know that these are the same letters. They may have the same format and the same date, but I don't know that they are the same letters. So I don't know what kind of an answer you got for that.

Mr. MUSE. She didn't get any answer. There is no question.

Ms. OLSON. Then I will wait for your assistant Mr. Muse to give me back Deposition Exhibit Number 4.

Mr. MUSE. Are you using the exhibit?

Ms. OLSON. I would like to look at Deposition Exhibit Number 4 when your assistant is finished with it.

[Document tendered.]

Ms. OLSON. Thank you.

EXAMINATION BY MS. OLSON:

Question. I am going to show you this document that I described as Deposition Exhibit Number 5. It is a memorandum for Associate Counsel to the President, the White House, and it is signed by Robert M. Alexander, Lieutenant General of the Air Force, and the subject is the detail of Special Agent Anthony B. Marceca. Have you ever seen Deposition Exhibit Number 5 before?

Answer. Yes.

Question. Do you know if you saw that document on the date that it appears to have been created and/or transmitted, or if you saw it at some time after you started at the White House?

Answer. Probably thereafter.

I believe we are inadvertently leading you astray here. There is no indication to me that these letters were sent. I don't know where you got these letters, but there is no indication to me that these letters were received.

Question. Do you have—

Answer. I don't want to mislead you.

Question. Thank you.

Do you have any information or belief that they were not sent?

Answer. They are rather close together on the same subject, and I have a feeling that you might have a duplicate there.

Question. Have you had any conversations with anyone or received any information that, in fact, one of—any of these deposition exhibits were not sent?

Mr. MUSE. I think what he was saying is if you got to 4 and 4-A, which are the same ones, and 4-A has no question intended to it, that that probably looks like a duplicate. I am not sure that it takes us anywhere.

Ms. OLSON. I can give you a reason why I put it in, and it will probably explain. This is a document production that we received on Saturday night at 7:00 p.m., unannounced and put under our door, and I am going to put all of these documents in the record for your deposition just because they were sent over together in our request for documents concerning your detail. So it probably is a duplicate. We received no explanation of it, and so I do not have any information.

I agree with you from looking at it it appears to be a duplicate, but they are just in the record because they were all sent to me, and the duplicate was included for some reason.

Mr. MUSE. Who sent them to you?

Ms. OLSON. It was the White House.

Mr. MUSE. Thank you.

Ms. OLSON. I have—similarly, I have a document which I am going to mark as Deposition Exhibit Number 5-A. I have no questions for 5-A. I believe that it is, in fact, very similar to Deposition Exhibit 5, except for it has an additional date stamp of August 12th, 1993.

[Marceca Deposition Exhibit No. 5-A was marked for identification.]

[Document tendered.]

Ms. OLSON. Exhibit Number 6 is a Department of Army letterhead, CGE 43813, and it is a memorandum to Major General Peter Berry from a Charles Dominy, Lieutenant General, and the subject is White House detail, which requests that the Major General coordinate with the White House staff to ensure your immediate detail.

[Marceca Deposition Exhibit No. 6 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. I ask if you have seen that document before?

Answer. I don't know that I have ever seen this document. I might have, but I don't recall that specific document.

Question. Okay. Were there any conversations that you had during that time period with your supervisors or within the Army concerning the timing of your detail or of a sense of urgency for your detail?

Answer. No. No.

Question. In your experience with the previous detail, was there anything unique or different about this detail that stands out in your mind, or that you noticed during the process of receiving your detail?

Answer. No. It went off the same as the Senate one did.

Ms. OLSON. The next document I am going to mark as Deposition Exhibit 7. It is Bates-stamped number CGE 43811, and it appears to be a fax header sheet, and it is from TFC Ryan to Mr. Allen, and it says, a copy has been faxed to Mr. Berry, and I believe attached to it is a second page.

[Marceca Deposition Exhibit No. 7 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. I ask you if you have seen those, and if, in fact, the two pages that is Deposition Exhibit Number 7, go together or if you have any knowledge of whether they go together?

Answer. I have no knowledge.

Question. Have you ever seen the second page before?

Answer. I know what the document is. Have I seen this document? I don't know. I might have.

Question. Can you describe what that document is?

Answer. It is called a 50 action.

Question. And what is that used for?

Answer. That is like an order that transfers me to the White House detail.

Question. And is a 50 action always filled out when there is a detail?

Answer. There is.

Question. Okay. The final—

Answer. I doubt that these two are together.

Question. Can you just state, if you have a basis, why you doubt that they would be together?

Answer. Well, the fax page is five copies. This is one sheet, and I doubt that the 50 action would come along on the same—on or about the same date. 50 actions generally come along quite a while later.

Question. Have you ever seen fax header sheets similar to what has been put into evidence as Deposition Exhibit Number 7?

Answer. Have I seen them used?

Question. Yes, sir.

Answer. Yes.

Question. From the content of that sheet, and based upon your experience, do you know what copy they are stating with five pages that was faxed to Major General Berry?

Answer. I haven't a clue.

Question. The part that says "office symbol" with the "12 August," is that where a date is normally put in, a current date?

Answer. I don't know.

Question. The next box, which has a fax with a colon, it says "DSN" and then has a telephone number. Do you know what "DSN" stands for?

Answer. That is code for telephone. That is Army telephone. I think it is defense something number. Defense system number is what it means.

Question. Do you recognize—does it give a specific location because of that?

Answer. DSN means that it is a defense system number. It is a line. It is like a Watts line.

Question. Can you tell me who Mr. Ryan is?

Answer. I don't have a clue. No idea.

Question. Do you know if he works for the Chief of Staff of the Army?

Answer. No idea.

Question. Is the Chief of Staff the individual responsible for the detailees in any way that you are aware of?

Answer. I would think he was part of the chain of command.

Ms. OLSON. Okay. The final document I have is another facsimile transmittal header sheet. I have marked it as Deposition Exhibit Number 8. It is Bates-stamped number CGE 43817, and it has as its releaser Betty Bray, and at the bottom it has "Remarks," and says, "As requested, official authorization SF-50 to follow. Good luck. BB." It is to "attention, Tony Marceca."

[Marceca Deposition Exhibit No. 8 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. Have you ever seen that document before?

Answer. Yes.

Question. Can you please describe the circumstances under which you have seen that document?

Answer. I believe Betty Bray faxed this to my office.

Question. And that would be your office at the CID?

Answer. Fort Belvoir. I mean, correction, it was at Fort Meade at the time.

Question. Did you fax a copy to the White House?

Answer. I don't know. That fax, I don't know.

Question. At the very top there are some fax notations. Do you recognize those?

Answer. Yes. That was our fax machine at Fort Meade. Well, that is her fax to us at Fort Meade.

Question. Okay. And is she at Fort Meade also?

Answer. No. She is at—she was at headquarters.

Question. Which is where?

Answer. At the time it was at Falls Church. Right here is the address.

Question. And is she responsible for the final authorization for detailees?

Answer. She is just a clerk in the Personnel Office.

Question. So you started, I believe, on August 14th?

Answer. August 18th.

Question. August 18th.

[Minority staff enters room with a written message.]

Ms. OLSON. We have to wait until she leaves the room. She has to be cleared.

Mr. GOLDBERG. I think if you read the committee rules, she's authorized.

Mr. STROMAN. Is this a good time for me to question?

Ms. OLSON. Why don't you go ahead. I am up to the start, if you have questions.

EXAMINATION BY MR. STROMAN:

Question. Mr. Marceca, I understand that in around mid-August you were detailed to the White House Office of Personnel Security; is that correct?

Answer. Yes.

Question. And what did you understand your assignment to be in that detail position?

Answer. That I would work in the Office of Personnel Security doing updates of White House staff and visitors, people that had access.

Question. And your supervisor at that point was?

Answer. Craig Livingstone.

Question. And I understand that one of your assignments in the office was to pick up and continue the project of recreating personal security files—

Answer. That's correct.

Question [continuing]. In the office.

And that assignment was given to you by Mr. Livingstone?

Answer. Yes, sir.

Question. Did he give you any instructions with regard to that assignment as to how that would be accomplished?

Answer. Yes. He told me that I would be briefed on what my duties were by the lady that was doing the project, Nancy Gemmell, and she did that.

Question. And who was that?

Answer. Nancy Gemmell.

Question. Did there come a time when you were briefed by Ms. Gemmell?

Answer. Yes.

Question. Can you explain to us when that happened and what the circumstances were regarding the briefing?

Answer. I believe it was about August 9th. I took an afternoon off from CID and went to the White House, and Nancy Gemmell walked me through the process that I would be performing, the duties I would be performing.

Question. Was this a meeting in which you and Nancy Gemmell were alone, or were there other people in the meeting?

Answer. There were other people in the office, but she went into great detail about my duties.

Question. Who else was in the office at the time?

Answer. Who was in at the time?

Question. Do you remember?

Answer. I believe Lisa Wetzl was there, and I know that Mr. Livingstone was there when we started.

Question. Is that it as far as you can recall?

Answer. Yes, sir.

Question. And can you explain to us what Ms. Gemmell described to you as how you would perform this responsibility?

Answer. She took me to the safe and showed me the procedure that I would follow in the update project and my duties, my other duties that I would be expected to perform.

Question. And how—did she—how did she describe your duties in the update process? What were you to do?

Answer. I was to take a list and open files on individuals who had access to the White House.

Question. And when you say "take a list," what list?

Answer. There was a list provided to me. There was a list in the safe that would be there when I started that she was currently working on.

Question. Did she give you—were there any written procedures that she gave you that morning?

Answer. There were written procedures when I started my—started at the White House. She left me some notes. And the day that she briefed me, I took notes.

Question. She—all right. Let me go back. At the August 9th meeting in which she is describing those responsibilities, were there written procedures that she gave to you with regard to how that—your responsibilities would be executed?

Answer. Yes. She left me a sheet.

Question. And do you know where that sheet came from, or is this something that she put together?

Answer. I believe it was a sheet that she had left there for me.

Question. Continue. You mentioned that there was a—there were lists in the safe?

Answer. Yes.

Question. Is that correct?

Answer. Right.

Question. The lists in the safe, who generated the list in the safe?

Answer. I was under the understanding in my conversations with Nancy that that list came from the Secret Service.

Question. All right. Did she tell you that the list came from the Secret Service?

Answer. I don't specifically recall that.

Question. And what were you to do with those lists?

Answer. I was to open up a file on each individual on that list. If there was not a file already on file, I was to open a file folder. I was then to request a previous background from the FBI, and I did that.

Question. Was there anything else she said to you in the meeting, any other—

Answer. Well, she went in detail to the other duties that I had in the office.

Question. And just give us roughly what those other duties were.

Answer. Well, I was to review SF-86s and put all of that stuff together and get those things sent off to the FBI when they were processed. Essentially, I was to review and process SF-86s for permanent staff positions, volunteers and everybody else that had access to the White House.

Question. After the—was that pretty much the extent of it, of your conversations at the August 9th meeting?

Answer. Yes.

Question. After the August 9th meeting, did you have any other occasion to meet with Ms. Gemmell?

Answer. No. She was gone when I started.

Question. Did you have any other occasion to talk with her on the phone?

Answer. I only spoke with her once, and it was around Christmas of 1993.

Question. And can you give us roughly the thrust of that conversation?

Answer. It was only hello, you know, merry Christmas, happy holidays.

Question. All right. After that—do you remember approximately what date you started working there?

Answer. I believe it was August 18th.

Question. August 18th.

On August 18th you began your normal duties at the White House. Can you—you started at some point to work on something called the update project?

Answer. That is right.

Question. All right. Can you explain that project for us?

Answer. As I just stated, I would go to the safe on the update project itself, I would get out the list, and I would check off the name I was working on. I would look in that file that was with the update list to see if there was a name in that file. That file that the update list sat in was where files were stored that were what I recall dead files, files of people who no longer worked at the White House. They went in that file. They went in that bin. If there was—if the name was not—if the person's name was not on file in that bin, that meant that I had to open a file. But before I opened a file, I checked into file drawers to find out if a file had already been opened. And if there was no file in the file drawer, I got a new file folder, and I opened a new file, I typed up a label, put the person's name on it, got a Bernard Nussbaum request, typed in the person's name, made a copy of the request, stamped it and put the copy in the file.

Question. The files that were in the safe, is that—

Answer. Yes.

Question. Is that correct? You worked off of the files that were in the safe when you first came there?

Answer. I worked off the file—I worked off the list.

Question. Off the list?

Answer. Correct.

Question. And again, I just want to be absolutely clear about this.

Answer. Sure.

Question. The list that you are working off of came, you believe, from where?

Answer. From the Secret Service.

Question. And why do you believe the list came from the Secret Service? How do you know it came from the Secret Service?

Answer. I was under the understanding from a conversation when Nancy briefed me that those were where the office got their list.

Question. Did you have a discussion with the Secret Service about the list?

Answer. No, I didn't.

Question. Did you ever call the Secret Service about that list or any other list?

Answer. Not that I recall. I might have called them, but I don't recall ever talking to them about the list.

Question. All right. Did—were there dates on the list? Was the list dated at all?

Answer. Not to my recollection.

Question. How did you know the address—how did you know the accuracy of the list? How did you know whether or not the list was accurate?

Mr. MUSE. Accurate as to what?

Mr. STROMAN. As to the current status of the people on the list.

The WITNESS. I had no way of knowing whether they were, whatever their status was.

EXAMINATION BY MR. STROMAN:

Question. So did Ms. Gemmell ever instruct you that you had to determine accuracy of the status of the names on that list?

Answer. My project was to establish—was establish a file that would perform a check to find out if these folks were still on staff or not on staff. It was the update project. The list that I was provided was a list to my understanding that everybody on that list had access.

Question. Right. It was your understanding, based on discussions with Ms. Gemmell?

Answer. Right.

Question. All right. Do you recall whether or not the list included the letters A or I?

Answer. I do not recall that.

Ms. OLSON. I'm sorry, is that—

Mr. STROMAN. A as in apple and I as in independence.

Ms. OLSON. Thank you.

EXAMINATION BY MR. STROMAN:

Question. Have you ever heard of a designation on any of these lists for which "A" and "I" would mean anything?

Answer. To my knowledge, "A" meant access, "I" meant intern.

Question. I'm sorry to repeat this, but I want to be absolutely clear about this.

Answer. Please.

Question. Under certain circumstances you had to create new files, is that correct?

Answer. Yes, sir.

Question. All right. Explain to me the creation of those new files. What are the circumstances around which you had to create new files?

Answer. Okay. The update list, if there was nobody in file, I had to create a file. And I explained to you that I would look in there, find out if it was there, if it wasn't there, I would get a file folder and I would open the file folder. I would make the Nussbaum cover sheet and I would put it in the file and I would put them in the file cabinet until there was additional documents to go into the file.

Question. Right. Let me go back to the—when you are sending requests over to the FBI—

Answer. Correct.

Question [continuing]. You talked about a form that you used. Can you describe the form that you used to make the request?

Answer. Yes, that was the Nussbaum form.

Question. All right. You call it the Nussbaum form. And it had Mr. Nussbaum's name on the form?

Answer. Yes, sir.

Question. Were you—did Ms. Gemmell discuss with you the use of the form?

Answer. Yes.

Question. What did she say about the form?

Answer. She showed me where they were stored. They were stored in the safe in a file—a file like on top of a desk, that sort of a thing.

Question. Yes.

Answer. And she explained to me that if I needed additional ones, I would go to the copier and make additional ones. As I explained, I'd make the form, make a copy, stamp "copy" on the form, put the copy in the file, put the date on it, take the original over, and it would go in a packet to go to the FBI.

Question. Did Ms. Gemmell instruct—indicate that you should show this form to anyone in the office before it was sent to the FBI?

Answer. No.

Question. What did she say?

Answer. She said, this form goes to the FBI; you will get a SBI back, if there is one, or you will get a sheet of paper that says "nothing on file."

Question. So that no one looked at the form—

Answer. No, it was a process.

Question [continuing]. Before it went—

Answer. It was sent.

Question [continuing]. To the FBI?

Answer. No.

Question. And you worked—you did this over what period of time?

Answer. From the day I started, I sent out forms, until the day I ended my detail.

Question. And once the files came back from the FBI, what did you do with those?

Answer. Okay. When the FBI—if there was a background investigation from the FBI, I looked at the background investigation to find out what the date, the last date of investigation was.

Question. Right.

Answer. Once I determined the last date of the investigation, I put that on the file folder—

Question. Right.

Answer [continuing]. In pencil. The purpose of that is that was a tickler for the person's need for the next update. They were required every 5 years.

Question. Right. Right.

Answer. In that background SBI from the FBI was generally the office that the individual worked in at the White House. We had nothing to tell us what office they worked in.

Question. Right.

Answer. I reviewed the background investigation to find out where the last office that they worked in. Some of the SBIs came back and I couldn't even tell, they were so generic, that I couldn't even tell where they worked. They just said "White House staff."

Question. Right. Were there occasions in which you had to refer files to Mr. Livingstone?

Answer. There were what I recall was approximately three times that I did.

Question. And please describe the circumstances in which you did that.

Answer. Okay. I had gotten the SBIs back from the FBI and I had in my hand a SF-86, which is a job application. This was—everybody that needed a new SBI had to fill out a SF-86. If they started to work at the White House, they needed one. If—if it was just their first day at the White House and no background, they needed one. Okay? If they were a holdover, they needed one if it was time for a reinvestigation.

Continuing with that, there were the three instances that I recall that before I sent out the SF-86 to the FBI to do a new reinvestigation or to do an investigation, I spotted some problems and I tried to correct those problems, as I was supposed to do, with the person. When those problems couldn't be corrected, I turned those files over to Mr. Livingstone.

Question. What were those problems? Generically?

Answer. Well, one of them—they were—let's term them personnel—one had a personnel problem. One had I believe an arrest in their record that was in the SBI, and not on their SF-86. And I do not recall exactly what the other one was. But it was a matter that I gave to Mr. Livingstone.

Question. And do you know how those issues were resolved by Mr. Livingstone?

Answer. I don't know how he resolved that issue, but I know that Mr. George Saunders gave me the files back with the problem corrected.

Question. Okay. Were you aware of a stack of request forms that were left at Ms. Gemmell's work area?

Answer. Not specifically, no.

Question. Okay. Generally, were there—let me put it this way, were there—were there forms that Ms. Gemmell either indicated needed to be processed or were there forms that you saw that appeared to be from Ms. Gemmell that you believed needed to be processed when you first came into the office?

Answer. I do not have any specific recollection about forms having been prepared. They may have been there, they may still be there, but I don't have any specific recommendation—recollections of that.

Question. Did there come a time when you were made aware that some of the requested—that there were problems with some of the information that was being requested of the FBI?

Answer. I don't know what you mean, sir.

Question. It's your understanding, it was your understanding at the time that you were working on the update project that every person on the list was, every person on the list from which you were working was properly included on those lists; is that correct?

Answer. That's correct.

Question. All right. Did there come a time when you found out that there were people who were not properly on those lists?

Answer. Not to my knowledge, from the time I left, no.

Question. From the time you left?

Answer. To the time I left, no.

Question. That's the question. To the time you left. Did the FBI ever contact the office in December of '93 or thereabouts and ask you about the high volume of requests that were coming out of the office?

Answer. As I recall, there was a meeting with Mr. Livingstone, but not with me.

Question. All right. You were not present. Did Mr. Livingstone tell you about that meeting?

Answer. Yes.

Question. What did he tell you about the meeting?

Answer. That there was a limit on the SF-86s and the requests for previous investigations that I was to send to the FBI.

Question. And what was that limit?

Answer. It seems to me that was something like 50 previous investigations or 30 previous investigations and 50 SF-86s, because I was swamping the FBI with work.

Question. And what did Mr. Livingstone tell you you should do about the problem?

Answer. I would only send out whatever the specific number were per week from then on. And I'm not sure that your date is correct about December, but I know that that took place when I was working there.

Question. I think that is from the FBI.

Let me go back for a moment to the—

Answer. Sure.

Question [continuing]. Ref sheet that Ms. Gemmell, I think you indicated Ms. Gemmell left for you?

Answer. Yes, sir.

Question. Do you have a copy of that?

Answer. I believe I left it in the White House on a drawer, on a pull-out of a drawer. I believe that's where I taped it to there, and if it's still there, I don't know. But I believe that's where I left it.

Question. But you do not have a copy of that?

Answer. No, no, but I referenced that sheet. I would pull it out and look at it when I had a question.

Question. And when you say "on a drawer"—

Answer. It was on the desk drawer, that I had had a—

Question. The desk that you sat at?

Answer. Yes, sir, it had whatever these were—secretarial wings.

Mr. MUSE. Excellent. Very fine description.

EXAMINATION BY MR. STROMAN:

Question. Did anyone ever instruct you to obtain FBI files on Bush White House officials?

Answer. Not specifically. They told me to do the update list.

Question. Right. My question is, specifically, did anyone ever instruct you to obtain FBI files on Bush White House officials?

Answer. I have to answer that yes, and I did many. They were holdovers, and I did many of them.

Question. Right. Did Ms. Gemmell ever instruct you to obtain from the Secret Service an undated list of names for the update file?

Answer. Not that I recall.

Mr. STROMAN. That's all the questions I've got right now. Thank you.

Ms. OLSON. I would like to put in the record a document which has been marked as deposition number 9. It's Bates stamped CGE 43641. It is a form to FBI, Liaison from Bernard Nussbaum. Subject: FBI investigations. It is a 2-page document of which page 1 has a date stamped December 20, 1993. Page 2, the basic difference is it has an additional date stamp as well as a response stamp in the lower right-hand corner.

[Marceca Deposition Exhibit No. 9 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. Looking at just page 1, the forms that you were discussing in the previous questions, absent the particular typing of the names, is that similar to the forms that you were describing that you were sending over that you called the "Nussbaum forms"?

Answer. Yes.

Question. Can you describe where you sat in the Personnel Security Office when you arrived there in August?

Answer. Yes, beside the copy machine, on the left.

Question. And did you have a desk?

Answer. Yes.

Question. The intern, where did she sit in relationship to where you were?

Answer. Across from me. That's a general question.

Question. Yes. She sat directly across from you in the same room?

Answer. There were a number of interns.

Question. I'm asking about Lisa Wetzl?

Answer. I do not believe she was an intern.

Question. Okay. What was your understanding of her position when you first started?

Answer. She was a staff—I don't know that for a fact. I just presumed she was staff.

Question. Okay. Did you report to her at any time?

Answer. I reported to Mr. Livingstone and Mari Anderson.

Question. And what was Ms. Anderson's position?

Answer. She was the office manager.

Question. Okay. On August 9th, you were describing a review and walk-through that you got from Nancy Gemmell?

Answer. Right.

Question. At that time did you notice any other individuals in the office? I think you said Lisa Wetzl was present and Mr. Livingstone, and I assume Ms. Anderson was there. Were there any other individuals there in the office during that time?

Answer. Not that I can recall.

Question. Okay. And when you went into the room that's been described as a vault, were there individuals working in that room?

Answer. Not that I can recall. It was just Ms. Gemmell and myself.

Question. Can you describe where the vault room is in relationship to the office where everyone worked?

Answer. It is a room of about equal size to the Security Office and it adjoined it.

Question. Is there any other way to get in and out of that room without going through the Security Office?

Answer. No.

Question. Okay. That's the only entrance, is walking all the way through the Security Office and into this vault?

Answer. Correct.

Question. Is there any furniture in this vault?

Answer. There's a table and a chair.

Question. At any time when you were working in the office, did you ever see anyone working in that vault?

Answer. Sometimes Lisa worked in there and sometimes Mari.

Question. Did you ever work in there?

Answer. I usually typed up the Nussbaum requests and I typed up the file labels in there.

Question. So there was a typewriter or was it a computer?

Answer. It was a typewriter.

Question. Were there interns working with you in that office?

Answer. There might have been some interns on occasion that worked in there, but they didn't work with me.

Question. Okay.

Answer. There was—there was only one occasion that an intern worked with me and that was during the month of December.

Question. And who was that intern?

Answer. I don't recall her name.

Question. Okay. Was there a certain set number of interns that were consistently there during the time period when you were in the office?

Answer. I think there was usually one, at least one.

Question. Was there at any time a large number of interns working there with you?

Answer. Well, there might have been a period that there was more than one, but—there might have been a couple, but I generally stayed at my desk, did my job, and except for that one intern that helped me in December, I didn't have—I didn't pay much attention to all that.

Question. You said that Nancy Gemmell gave you background and told you how to do the work that you were going to be doing. What was your impression of her knowledge of the operation of the office?

Answer. She seemed very capable and articulate.

Question. You said you took notes during the briefing with Ms. Gemmell?

Answer. Uh-huh.

Question. Where are those notes?

Answer. My attorney has them.

Question. Have you shown these notes to anyone else other than your attorney?

Answer. No.

Mr. MUSE. He has not.

EXAMINATION BY MS. OLSON:

Question. To your knowledge, have these notes been produced to anyone else?

Mr. MUSE. I'm not sure he'd know.

EXAMINATION BY MS. OLSON:

Question. Do you have any knowledge whether or not these notes have been given to anybody else?

Answer. Not since I turned them over to my attorney.

Question. After you turned them over to your attorney?

Answer. I would have no knowledge—

Mr. MUSE. Answer.

The WITNESS. No.

Ms. OLSON. I object to that. If there are notes and this witness has knowledge of what you have done with his notes and sharing them, then I don't think that is privileged. You are answering the questions instead of the witness.

Mr. MUSE. You have to rule on your objection. Under the rules, all objections have to be ruled upon by you.

Ms. OLSON. They are not ruled upon by me.

Mr. MUSE. Your counsel told me they were.

Ms. OLSON. You listened to the opening statement, of which I will provide you a copy—

Mr. MUSE. It is too tedious.

Ms. OLSON. May I finish, Mr. Muse?

I think I need to make this clear. You have been very, very careful to put in the record that I rule on my own objections. I do not rule on my own objections. If I believe that the objection is not valid, then I have the ability to go to the Chairman to make a final determination. If the Chairman makes a final determination that objection made by any counsel is not proper before this deposition, he will make a ruling. And if the ruling is that it's proper, then no answer is required. If the ruling is that it is not proper, then the question will be represented to the witness.

Mr. MUSE. Thanks for the clarification. You made an objection and I don't know what to do with it.

Ms. OLSON. I objected—and I would like it for the record—to your answering for your witness and I have asked the witness, your witness to answer—and I don't mind going off the record. You may have whatever conversations are necessary with your client. But I would like it if you would not answer my questions. If you need time to confer with your client please, I will always give it and I don't mean to indicate that I will not.

Mr. MUSE. Okay.

EXAMINATION BY MS. OLSON:

Question. Are you aware of any requests that have been made for these notes?

Answer. No.

Question. And other than sharing them with your attorney at any time, this is before you gave them to your attorney and after you gave them to your attorney, have you shown these notes to any other person?

Answer. No.

Ms. OLSON. At this time for the record, I would like to make a request for copies of these notes to be produced to the Minority as well as the Majority counsel of this committee. We can follow that up with a letter by the Chairman, and I will make the request to the Chairman and ask him if he will write a letter to request those notes.

EXAMINATION BY MS. OLSON:

Question. You said that you were working to review the SF-86s; is that correct?

Answer. Yes.

Question. Had you ever seen an SF-86 before you started in the White House?

Answer. No, I didn't.

Question. And did Ms. Gemmell go through the SF-86s?

Answer. Yes.

Question. Did you notice what Lisa Wetzl was working on when you first started at the White House?

Answer. No, I did not.

Question. You said you started the Project Update at some point. What did you do when you first started on August 18th and in the first weeks that you worked at the White House?

Answer. The very first day and the first weeks I started working on the backlog of SF-86s, which were piled up on my desk. They were approximately 2½ feet high and I went to work on them.

Question. Okay. And what did you do by going to work on them? What did that entail?

Answer. The very first thing I had to do was go into the vault, pull out this list that was in the vault, and check to see if the name was on the list. Which means, that if it was on the list, then they were former White House staffers. If their name was on the list, I would put a check beside their name. Okay? If they were not on the list, I would just continue on.

Now, if they were not on the list, assuming—well, let's assume—which one do you want to go with? Do you want to go with the one on the list or off the list?

Ms. OLSON. Can we stop for a minute.

[Counsel for the witness and majority counsel are having a discussion, away from the table.]

Mr. MUSE. You go ahead.

Ms. OLSON. Counsel does not object to us continuing while you have a conversation with Minority counsel?

Mr. MUSE. Counsel is listening very carefully. Thank you for your concern, by the way, for the witness.

EXAMINATION BY MS. OLSON:

Question. Can you describe this list that you are discussing that you go check?

Answer. This is the update list in the safe. The—Nancy Gemmell demonstrated the process. I do not know if it was the same list that she demonstrated to me on August 9th but it was a list. And it was explained to me that this was a list of former White House staff who needed access—former White House staff, contractors, groundskeepers, et cetera, that needed access on a daily basis or weekly basis or regular basis to the White House.

So, I got the SF-86 and walked in the safe. I would get the list out and review it real quickly to see if their name was on there. If their name was on there, I would check the list, and then I would open up a file, just like I explained previously. And I would then take the file folder and type up the Nussbaum letter and the 86—SF-86, and go back to my desk. I would do a stack of these at a time, what I could manage.

Question. So rather than working first from the list, you were working from the 86s and then going to the list?

Mr. MUSE. May I hear the question again?

EXAMINATION BY MS. OLSON:

Question. Is it true that rather than working first from a list, you were actually working from the names that were already on the 86s and then referring to the list?

Answer. No, I picked up the SF-86, went to the list in the safe, got the list out, and reviewed the list to see if those folks were on that list.

Now—

Question. By "those folks," you mean the name that is on the SF-86?

Answer. That's correct.

Question. So you would first look at an SF-86 name?

Answer. Right.

Question. And then check to see if that name was on the list?

Answer. Right. If it was on the list, I would look in the file to try to find a file folder. If there was no file folder, I would create a file folder. I would type up a Nussbaum letter, and I would then go back to my desk with all of that—with those items.

If there was a file folder in there, I would open the file folder, and there should be a Nussbaum request in there or a previous investigation in the folder.

Question. Yes.

Answer. I would take that folder back to my desk and I would sit down and I would start to review the SF-86 and the other documents that had to go with the SF-86 to make sure they were ready.

Okay?

Question. Uh-huh.

Answer. If there was no previous background, no background at all or no not on file letter in there, I would request that by sending the Nussbaum letter out. I would process the SF-86 and then when it was processed, I would send the SF-86 out.

Question. Okay. And if there was, the folder was, then you would do as you previously testified, make sure that there were no problems with it; is that correct?

Answer. That's correct.

Question. What color was the list? Do you recall the paper?

Answer. I recall that it was green and white striped paper, computer paper.

Question. Can you estimate was it the size of a normal piece of paper?

Answer. It was—it was—as I recall it, it was computer paper, and it was quite a number of paper—quite a number of sheets attached, and they were folded over and that's the way they were kept.

Question. Is it the old-fashioned computer printout green and white paper that used to have holes on the edge and you could tear it off?

Answer. It did have holes on the edge but I'm not sure how wide it was.

Question. Longer than legal size?

Answer. I'm not sure about the width of it.

Question. Legal size is—I'm holding up a Redwell.

Answer. I really don't recall the width. It was folded over. It may not have been that wide. It might have been 8½ by 11. I don't really recall.

Question. Were the sheets perforated so you could tear them off at each page?

Answer. At the bottoms.

Question. Ms. Gemmell went through a list that she had been working on. Did she tell you at what point she was at on the list at that time when you met with her on August 9th?

Answer. I don't recall that. I don't recall her describing where she was.

Question. Did she indicate she had gone through agencies in the list or that she had gone through a part of the alphabet to you in any way?

Answer. I don't recall that.

Question. Okay. When you started in August and started going through the SF-86s and doing the activities that you described, did there come a time where you finished that backlog?

Answer. No.

Question. Okay. What happened to cause you to start on the update project then rather than finishing all the backlog?

Answer. I tried on a weekly basis to devote some time to the backlog. And so generally on Friday afternoons I tried to give some attention to the backlog. Now, if in the week—

[Witness confers with counsel.]

Ms. OLSON. Could we just take a 2-minute break?

Mr. MUSE. Why don't we take a 5-minute break? Stay on the record for just a moment. I have got to find out when you are going to be terminating this, because I have requests from a distinguished Republican counsel on the Senate side who seemed to have some of the same interests.

Ms. OLSON. I will get on the phone and speak with him but I am not going to be done or end this deposition so that you can go and talk to Republican counsel. I will explain to them that I am still holding you in a deposition. I assume I have—I don't want to give it a time. I am moving—

Mr. MUSE. You have to.

Ms. OLSON. No, Mr. Muse—

Mr. MUSE. At some time you are going to get to a fatigue factor as well. I'd suggest we would come back in about 5 minutes, whatever time you want since you are requesting this break. Before that, I will call counsel as a courtesy and tell them that we are going to be staying here and then we will move with as much dispatch as you can and I'd say about 7:30 we should be trying to reach the terminal pace.

Ms. OLSON. I will not stop this deposition at 7:30 if I have not finished my questions.

Mr. MUSE. You do your best. I will say that we are at the end of a long day. My client is tired and he has a right to sort of try to do this in an orderly way. You have found yourself with other circumstances that kept you late today. So be it. But you are going to do your best to move this along and then we're going to break at a reasonable hour.

Ms. OLSON. Mr. Muse, I asked to begin earlier. I asked for a 2 o'clock time and you were busy so I accommodated you with a 4 o'clock time.

Mr. MUSE. You didn't accommodate me. I told your office yesterday—you said you wanted to do it this afternoon. We previously last week talked about 4 o'clock. I told a woman from your office 4 o'clock. You called and said that you didn't know that until this morning. Perhaps—though, fine, that is sort of your problem, not mine, because we had agreed on 4 o'clock yesterday.

And at that point, when you said 2 o'clock, I don't know where you get off telling people they should drop everything and show up, and on that basis I said we could not be here until 4:00. We arrived at 4:00 and then you didn't show up until 4:30, which I think was a rank discourtesy.

Ms. OLSON. Mr. Muse, let's make the record clear. I did not show up late. I believe an opening statement had been made by another attorney. I did get a report from Laurie Taylor, who is on my staff, there was not an agreement of a time. She was informed by you that it would be 4 o'clock, so the idea that you set that on the record I think is a bit of a misrepresentation.

Mr. MUSE. Not at all.

Ms. OLSON. If at 7:30 I still have questions, I would like to continue. If your witness is tired, I do not want to continue beyond a time that he can answer to the best of his abilities. But in order for you to stop to go to the Senate and have another deposition I don't believe rings true that your witness is tired if he has the energy to answer questions at the Senate. I request that you remain here and answer our questions.

Mr. MUSE. We are going to stay here, but my client per their request—and it was quite courteous—the Senate said that they would like 45 minutes. If we left here at 6:30, we would be finished there by 7:30—

Ms. OLSON. I am not going to stop this deposition so the Senate can have 45 minutes to question your client and you can call them and I will talk to them on the phone.

Mr. MUSE. You are raising your voice. Are we on break?

Ms. OLSON. If you would like to. I asked for a break for 2 minutes. If you would like 5 minutes—

Mr. MUSE. We're happy to accommodate you.

[Recess taken 6:32 p.m. to 6:39 p.m.]

Mr. MUSE. The record should reflect that counsel, moi, made an effort to contact Senate Majority counsel, Mr. Yoo, Y-O-O. I had a number; he's not there. Because I'm held incommunicado here, he is going to have to live with the consequences of my not showing up. But since we have a transcript, perhaps he will see this in a favorable light in terms of my plight.

Ms. OLSON. I have to say, in order for you to be fully informed, our transcripts, we can't share them with the Senate. However, I will represent to Mr. Yoo that we made the phone call.

Mr. MUSE. Read that part of the transcript, I'm sure there would be no problem.

Ms. OLSON. I can't read out of the transcript, but I will, wholly out of this transcript, tell him you did make a phone call and Mrs. Comstock tried to call him.

Mr. MUSE. Thank you.

Ms. OLSON. Just wanted full disclosure so you knew he wouldn't be reading this transcript.

EXAMINATION BY MS. OLSON:

Question. We were talking about the point at which you began the update project. And I had asked you when you began working on the update project after doing these SF-86s for a while.

Answer. I tried to work each week on the update project in some method. Now, if I found a couple of new SF—if a couple of new SF-86s came in and the names were on the big list, and I checked off a couple of names on the list, wherever they might be on that list, I considered my effort to have been expended in that week on that project. Okay?

Question. Yes, sir.

Answer. So I worked on it. The answer is I worked on it on a weekly—I made sure I worked on it on a weekly basis because it had to be done.

Question. I believe you'd said, though, for the first few weeks you were just doing the 86s or were you also doing the update project the first 2 weeks that you started?

Answer. I'm sorry; you might have misunderstood me. Every SF-86 that I processed, I checked the update list.

Question. Okay.

Answer. And some of them, some of the holdovers were on—well, all the holdovers should have been on the update list. So I was essentially working on that update project list. I didn't process an SF-86 without checking the list.

Question. So, in effect, you were working on the update process from the beginning while you were going through the 86s?

Answer. That's correct. That's correct.

Question. Do you know who filled out these SF-86s or how they came to be in this giant stack that you found when you arrived?

Answer. Yes. The individuals that they belonged to, they all had to have an original signature on them.

Question. And did Ms. Gemmell have these 86s and describe them to you before you started?

Answer. I can only respond in this manner: I walked into the office. There was a pile of them about approximately 2 feet high when I got there. How long they had been collected, I don't know. But there was an approximately 2 feet high stack of SF-86s. However many that amounts to.

Question. I'm just trying to determine if Ms. Gemmell had that stack while you were going through the August 9th review with her or if it was a stack that came in sometime between the 9th and the 18th?

Answer. I don't know that answer. I don't have knowledge of that.

Question. Do you recall seeing that stack on her desk or anywhere else in the office when you were there on the 9th?

Answer. No, no.

Question. Okay. During the period that you were in the White House office, did you ever see any Secret Service list updates coming into the office?

Answer. Yes.

Question. Can you describe what your knowledge is of those updates?

Answer. I recall that single page list came in usually on a Monday from the Secret Service.

Question. And what were these single page lists?

Answer. It contained a list of names of individuals who needed to be processed.

Question. So they would have been the new individuals?

Answer. No. They were lists of people who were apparently on the access—had access and they needed to be contacted and an SF-86 filled out.

Question. Did you ever hear those lists referred to as an access list?

Answer. I believe they were all access lists, but I don't—you know, I believe they were all access lists is the answer.

Question. Did you ever see any Secret Service pass lists?

Answer. I don't—I don't recall that term used.

Question. Okay. Do you recall a term "Secret Service WAVES list"?

Answer. I have heard the name of WAVES, but I don't know WAVES list. I don't know what that means, either.

Question. Do you know if you ever were given a WAVES list or a list that was identified as a WAVES list to work off of?

Answer. I may have been given a WAVES list to work off of, but that doesn't strike me or I don't recall that specific—I don't know what WAVES list means.

Question. Okay. Well, rather than identifying them as WAVES lists, let's just call them Secret Service lists. What Secret Service lists were you given to work off of?

Answer. On a weekly basis, as I recall, I received generally on my desk on Monday mornings, a list. It may be 3 names; it may be 12 names. But that was my second priority to work on. The first priority was the SF-86s, the second priority was the new list, and the third priority was the update project. So, I worked in that manner.

Question. Were you aware during the period while you were working in the Personnel Security Office of what specific projects Lisa Wetzel was working on?

Answer. No, I was not totally aware of what she was doing. I know that she was issuing passes—she was issuing lists of completed White House personnel that got passes. And plus she was processing other paperwork. But I don't know specifically what she was doing.

Question. Were you ever told whether or not she was working from the temporary pass holder list or a permanent pass holder list?

Answer. Those are terms that are new to me.

Question. Do you know if her project involved looking at people who had temporary passes but not permanent passes?

Answer. I'm not sure you understand the pass process.

Question. Okay. Can you explain it?

Answer. A temporary pass was issued when you first came and you were a permanent staff. A permanent pass was issued after you'd had your background cleared.

Question. Okay. And did you have an understanding of a time frame where a temporary pass would expire, a set period of time?

Answer. Yes.

Question. And what was that?

Answer. The passes, the temporary passes—this is a Secret Service function which I only know peripherally about because I had a pass myself. So your questions should be directed to the Secret Service.

Question. Well, I just want to know your knowledge. Was there a limited amount of time that a temporary pass was good for that you know of or that you had an understanding of?

Answer. Yes.

Question. What was that?

Answer. Every temporary pass had an expiration date on it.

Question. And was it a 2-month, 3-month, 6-month expiration date?

Answer. I don't know what the—in other words, there were many passes, many types of passes. I don't know the particulars about the Secret Service passes.

Question. Was there anybody in that office who was assigned to make sure the people with temporary passes got their new temporary pass renewed until they were able to get a permanent pass?

Answer. I don't know what office you are referring to.

Question. The Office of Personnel Security.

Answer. I don't know the answer. I don't know if there was anybody assigned to that project, specifically.

Question. Okay. Did you ever work on that—a project like that?

Answer. No, no.

Question. Did you ever receive a Secret Service list that had all of the current pass holders on it on a weekly or monthly basis?

Answer. My answer is the same. I received weekly pass lists. I worked on weekly pass lists along with current SF-86s and I did the update project.

Question. But the list, as you have described it, has just a couple of names on it every week?

Answer. Correct.

Question. I just asked you if you had ever received weekly or monthly Secret Service lists that had everyone in the White House that had a pass.

Answer. No, not to my knowledge.

Question. Did you ever see any Secret Service list which would be broken down by agency within the White House?

Answer. That—we might have gotten some lists like that, like you're mentioning, in January.

Question. Of 1994?

Answer. Maybe that we got some then. There may have been some before, but I don't believe that I got any lists like that until January. That were broken down.

Question. And the list that you were referring to that you had described previously had been in the file, did you work from the same single list the entire time you were doing the Project Update?

Answer. Yes, I did.

Question. Okay.

Answer. To the best of my knowledge, that is the list I worked on. Whether it had been replaced—I do not think it was replaced.

Question. Did you replace it with any new release?

Answer. I do not recall ever replacing it because my checks, I just continued to check off.

Question. Did you perform any cross checks of any list? And by cross checks, did you take the list that you found in the file that you used the entire time in the Project Update, and cross check the names with any other lists other than Secret Service lists that might be in the White House?

Answer. No, I stuck to my system that was shown to me, and that's what I did.

Question. Did you perform any activity in order to assure that the names on those lists were current?

Answer. Yes, I did.

Question. Okay. What did you do?

Answer. I would type up a list of names of—by like mid-December, I was not progressing very quickly down the alphabet and there was a number of names that were still there, and, as I recall, I was early into the alphabet, and so other than the SF-86, the occasional SF-86 that would check it off. When I say "occasional," that may be the wrong term but the SF-86s I went through.

But the overall project looked like it was not being accomplished very well. So I began to make lists of names, maybe a dozen names on a sheet of paper. Generally, I typed those up on the typewriter and I started to systematically circulate those to various offices in the White House, okay? Such as GSA, the grounds, telephone company, and I asked those folks to tell me if those people are here, or if they have gone. Okay? And I would get those—I would get—I would then go back the next week and some of those lists would say, oh, one name is on here and the rest of them we don't know anything about. So that one name that was on there, I would then immediately take that file, that name, and I would order up—I'd look in the file to find out if there was a file. If there was no file, I would immediately order up their SBI. Okay?

Now what that told me, I found a person who is definitely a holdover. In some cases those folks, the GSA would tell me this person is still here, but these people with GSA, two or three people with GSA left in '87 and they are no longer here. So I would go back to the file then and I would check off on the list and I would not call for an SBI because I knew they were not there. Okay?

But there was not that many of those that—there's a number that I canceled but I don't know how many I canceled by not calling for an SBI, but if all else failed I then sent for an SBI.

Question. Okay. Do you know about where you were in the list when you started doing this by mid-December?

Answer. Until all of this started, I didn't know. After this business has become public, I have read the paper.

Question. Okay. And so at the time you are doing it mid-December, you don't have any recollection, just solely from thinking back, of what you were doing in mid-December, what letter you were at or anything; is that true?

Answer. That's correct.

Question. And the recollection you have is just from what you read in the paper where they say the list stopped?

Answer. I have heard a lot of stuff now that leads me to believe that I stopped at "G."

Question. And that's mainly from the public accounts?

Answer. Mainly, that's right.

Question. Are there any other individuals that you have spoken to, other than your attorney solely, that have allowed you to put that together?

Answer. I believe most of it has come from analysis with my attorney.

Question. Has any of it come from anyone else?

Answer. Not that I can recall.

Question. Have you had any conversations with Craig Livingstone about this matter?

Answer. About the matter?

Question. About anything concerning the FBI files and lists or you working there?

Answer. Yes, on Sunday.

Question. Sunday?

Answer. Last week.

Question. Okay. Can you tell us what you talked with Mr. Livingstone about?

Answer. I met him and asked him about what was going on. And he told me that Billy Dale thing was under investigation and he told me that if I got called before the grand jury to tell the truth and then he asked me to speak to his attorney, which I did.

Question. And where did you meet with him on Sunday?

Answer. I first met my wife and I first met Craig at the flea market. Then we went to his house, or his apartment and then we went to his attorney's office in Georgetown.

Question. And which one of his attorneys did you speak to?

Answer. Mr. Cohen.

Question. And what did you discuss with Mr. Cohen?

Answer. Mr. Cohen asked me if I would give a statement about my details—about what I did when I was on detail. And I did so.

Question. And were you with your counsel there?

Answer. No, I was not.

Question. Okay. And how did this statement come to be drafted? Can you just describe if you wrote it out or what happened?

Answer. I dictated it to Mr. Cohen. All the flaws are my fault.

Question. And can you describe, was he typing as you were dictating?

Answer. Yes, sir—yes, ma'am, he was on the computer.

Question. Okay. So he was actually typing the words as you were dictating?

Answer. Correct.

Question. He wasn't taking shorthand as far as you know?

Answer. No.

Question. Was this a process where it was being edited as you were dictating it to Mr. Cohen?

Answer. No, it was about a 30-minute process. I went through it and he word spelled it and gave it to me. I looked it over.

Question. As you were dictating it. Did he ask you any questions about what you were saying? Did he stop at any point?

Answer. He listened to what I had to say, made some clarifications.

Question. Can you describe what kind of clarifications he made?

Answer. You well know I can't answer that without access to the statement. If you have the statement, I'll look at it.

Ms. OLSON. I'll mark this as a Deposition Exhibit Number 10. And this is Declaration of Anthony Marceca, which is a typewritten statement, and it is 4-pages long, signed by Mr. Marceca, dated June 9th, 1996.

[Marceca Deposition Exhibit No. 10 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. I ask if you recognize the Deposition Exhibit Number 10?

Answer. As I recall, there was some revision in the—in my description which has been blacked out on this sheet, concerning the name of the individual who was blacked out.

Question. That is, for the record, the place that we are talking about is on page 2 under paragraph number 5 that we have been just discussing; is that correct?

Answer. That's correct.

Question. Okay. Can you describe what discussions you had with Mr. Cohen concerning this paragraph?

Answer. Yes. He asked me—the best I can recall, he asked me, how did I know that those former White House people should have been on the access list and should have been—backgrounds should have been requested, and didn't that cause me to question why I was doing that in one case specifically, and I said—I answered him that I had seen them, as it stated there—I had seen this individual walking the halls, and therefore I did not find it unusual at all. I had seen him walking unattended.

Question. Who was the individual?

Answer. Marlin Fitzwater.

Question. And is that in the line—it says, "I recall seeing several former Bush administration officials, such as"—and that crossed out is "Marlin Fitzwater"?

Answer. Correct.

Question. And then the sentence goes on to say, in the White House complex during my detail at the Office of Personnel Security. If I saw blank name on the access list, therefore, it would not have struck me odd.

What name?

Answer. Same name.

Question. Okay. Do you have any knowledge why these names have been blacked out?

Answer. Yes.

Question. Can you please tell me?

Answer. I did it.

Question. Can you state your basis for why you did that?

Answer. I just felt after I had given him the statement that those names should have been blacked out.

Question. Other than that paragraph that you just discussed with Mr. Cohen, did he ask you any questions about any of the other information that you were giving during that statement?

Answer. Not that I can recall. I just kind of gave it to him and signed it and left, took a copy with me.

Question. Did he question you about any other individuals who were reported to be on the list?

Answer. I don't recall that he was specific about any other names.

Question. Did he ask you if you had ever seen James Baker on the list that you were going through?

Answer. I don't recall that.

Question. On page 4 of your statement, you are talking about three files that you reviewed in the course of the update project that you delivered for Mr. Livingstone's review. The next sentence says, "To the best of my recollection, none of these files were of former high-ranking Bush or Reagan organization officials such as," and then there is a blank. Is that a name of a Bush or Reagan official that you believed was on the list?

Answer. I believe it was.

Question. And can you tell us what name you had in that section?

Answer. I believe it was Marlin Fitzwater, and I don't know what the other name was. It might have been James—I don't know.

Question. Do you have a copy without the name blacked out?

Answer. I don't believe so. I don't—I don't know if I do.

Question. Do you believe that Mr. Cohen has a copy without the name blanked out?

Answer. I really—might, I don't know.

Question. When he was originally typing it, did he type it up with the name and print it out?

Answer. Yes.

Question. And then after you saw the copy—

Answer. I think I blacked it out before I—

Question. Before additional copies were made?

Answer. Before I signed it.

Question. Okay.

Answer. I don't know for sure that I blacked his copy out. I think I blacked his copy out.

Question. Do you know if he took it off his computer, the name, or if he left it on his computer that he was typing it on?

Answer. I don't know.

Question. Did you see him ever delete the name after you blacked it out?

Answer. No, I didn't—I did not think that I was involved in this thing. I was just doing that.

Question. You said that by mid-December when you were typing up this list of names and then calling up the agencies such as GSA, how did you know what agency the people were at?

Answer. I was attempting to identify—you mean department?

Question. Uh-huh.

Answer. I was attempting to identify the department that they worked in.

Question. How were you doing that?

Answer. I was doing that through sending memos to various office heads. That was my normal process. I was diligently trying to identify who was there, who was currently active, and who was not.

Question. To the best of your knowledge, the list you were working from, was it divided up by agencies such as GSA, so that you knew every one?

Answer. I believe it was just a bunch of names, and I don't recall anything else, you know, at this time.

Question. So was there any indication next to the name whether they were GSA or OMB or White House office?

Answer. I cannot recall that there was anything on that. It does not seem likely.

Question. And just for the record, can you state why you don't think it is likely?

Answer. Because I would have immediately contacted that agency.

Question. And instead, you were doing memos to find out what agency the names were at?

Answer. That's right.

Question. Did you keep any of those memos?

Answer. I gave those memos to Mr. Livingstone.

Question. Okay. Do you know if he put them in a file or what happened with them?

Answer. I think he threw his copies afterwards in the burn—you mean the memos that I gave to the agencies? I think he gave those—threw them in the burn barrel. I don't know.

I know that the copies that I got back from the agencies that I threw when I was through marking them up or whatever, I threw those in the burn barrel.

Question. Okay. Do you recall coming to the name "James Baker" while you were going through the list originally in this August through February period?

Answer. No, I don't.

Question. At that time, were you aware of who James Baker was?

Answer. I have seen Mr.—I know who James Baker was, but I thought that his name was James Baker, III, and I don't recall typing up specifically a request for James Baker, III. If you can show me that, I—a Nussbaum sheet that I did, then I can verify if I did.

Ms. OLSON. For the record, if I had those sheets, I would love to show them to you. We have repeatedly requested them from the White House and from the FBI and from the Department of Justice, and no one will release those to us. So unfortunately I don't have them.

I did want to put that on the record so that you and your attorney didn't think I was asking you questions when I might have documents that would assist you.

Mr. MUSE. We can assume that you are showing us all the documents that might be of assistance otherwise?

Ms. OLSON. I did not make that representation; however, the Billy Dale is the only document that we have, and you can assume I am showing you any documents that I feel are relevant to the scope of the questions I am asking that I feel will be fruitful in this deposition. I am not certainly going to pull out every document I own in this matter, but anything that is relevant to this deposition.

We do have Mr. Dale's form, and I think it is now marked as Deposition Exhibit Number 9.

EXAMINATION BY MS. OLSON:

Question. Do you recall or have any recollection at that time of seeing Mr. Dale's form?

Answer. If he came up and—no. If he came up on the update project, he came up. Other than that, no.

Question. So you don't specifically remember seeing his name?

Answer. No.

Question. Were you aware that Mr. Dale was being investigated and that there was pending prosecution against Mr. Dale at any time when you were at the White House?

Answer. No.

Question. Did you have any facts about the White House Travel Office while you were there?

Answer. Any facts.

Question. Facts. Any conversation, any information, any internal memoranda concerning the Travel Office firings?

Answer. The Travel Office never came up on the screen. It was another department, and I processed SF-86s for the people in that department just like any other department.

Question. Did anybody ever tell you that they were all new people there, and that all of the people had been fired, and there was a particularly unique situation in that office?

Answer. No. Are you accurate about that?

Mr. MUSE. Just answer the question.

The WITNESS. I'm sorry.

EXAMINATION BY MS. OLSON:

Question. Did Mr. Livingstone ever discuss the White House Travel Office matter with you?

Answer. No.

Question. Did you have any conversations with Mr. Livingstone about Harry Thomason?

Answer. I'm sorry, the name again?

Question. Harry Thomason.

Answer. No.

Question. So I am going to assume the next question, did you ever see Harry Thomason in the office while you were in the White House?

Answer. I don't know who that is.

Question. So if he were there, you wouldn't recognize him?

Answer. I don't know who it is.

Question. Okay. He is a very close friend of the President and a Hollywood producer that did have access to the White House and a pass. There was a lot of press about the fact that he had access and a pass after the firings. Does that give you any basis to recognize the name?

Answer. I don't know Mr. Whatever, Thomason, or Thomalson or whatever his name was.

Question. Okay. Also, before the name "Marlin Fitzwater" is the name "Tony Blankley." Do you recall seeing the name "Tony Blankley" on the list that you were working from? Anthony Blankley, I believe it is.

Answer. No, I didn't.

Question. Kenneth Duberstein?

Answer. I don't recall the name.

Question. Did you know who Tony Blankley, Anthony Blankley, was at that time?

Answer. I apologize to Anthony. I didn't know who he was.

Question. Did you know who Kenneth Duberstein was at that time?

Answer. I did not.

Question. And can you describe if you saw Marlin Fitzwater and what brought your attention to his name on the list, if anything? Did you see Marlin Fitzwater's name on the list while you were doing the update?

Answer. If I had seen Mr. Marlin Fitzwater's—

Mr. MUSE. Her question was did you see it—

EXAMINATION BY MS. OLSON:

Question. Did you see it or recognize it on the list while you were doing this?

Answer. It did not jump out to me at the time.

Question. When you wrote your statement, what was the purpose then of mentioning Mr. Fitzwater in particular?

Answer. Because when I wrote the statement, I was aware that allegations were out there that I had requested illegally or some sort files, and the reason I put that in there was I didn't know how I could request files illegally when I believed that these folks still had access.

Question. Is it true—

Answer. And he was my example.

Question. Is it true that that didn't mean that at the time you believed Marlin Fitzwater one way or the other had access; is that true?

Answer. I believed that everybody on that list had legitimate access unless I could establish that they were no longer on the access list.

Question. Do you recall ever having those thoughts at the time, though, that you were looking at that list while you were working in the White House Travel Office in connection with any name on that list?

Answer. I had no reason to suspect anything other than they were legitimate pass holders or had access to the White House.

Question. And I will leave from the subject, but one final question about that. Was there any name on that list that gave you any pause or made you hesitate or stop and think about the name and whether they had access?

Answer. Not that I can recall.

Question. Did you ever see anyone else working from that list while you were there?

Answer. The only time anybody else worked on that list that I can recall was when I had an intern assigned to me.

Question. Was this a permanent intern or a daily volunteer?

Answer. I believe it was an—well, she came in for about a month, and she sat at the table across from me, and I brought the typewriter out because she wasn't supposed to be in the vault, and she worked across from me typing up the Nussbaum sheets.

Question. Okay. So do you recall interns being in the vault?

Answer. They may have been at the table, but I don't recall them—I understood the rule—I don't know.

Question. Do you have any recollection of seeing them ever going in the vault for any purpose?

Answer. You know, I can't specifically recall that, and I am not evading your question.

Question. Okay.

Answer. But I worked at my table, and I didn't—I worked at my table, and my back was to the office, and it required strict concentration on what I was doing.

Question. You worked at your desk, right?

Answer. Correct.

Question. It wasn't a table?

Answer. Well, I say table. I have since—it was about that size and then across from me, back—it was backed up to a desk. But my table had a drawer and had one of those pull-out things. So it was that type of a desk.

Question. Oh. So it wasn't your standard desk that you would think of as a normal desk with drawers?

Answer. No drawers, no.

Question. It only had a pull-out?

Answer. A pull-out, and, as I recall, a drawer. I know it had a drawer because I kept pencils and stuff in there.

Question. So it had a center drawer and a side drawer?

Answer. It had a side pull-out. It had like a secretary, as I recall, on the side. Because that is where I kept the Gemmell notes.

Question. Okay. And that is what I was coming to, which was why I was asking you to describe your desk or table.

What notes exactly did you keep on this pull-out?

Answer. Nancy Gemmell gave me a typed-out sheet of paper, and on that typed-out sheet of paper were the instructions that I was to follow concerning the process that I was to accomplish. And I, if I were questioning, I would refer to that. A certain file or a certain file color or a certain dot or dash or whatever, I would refer to that.

Question. Was that in your handwriting or hers?

Answer. It was left for me.

Question. So you didn't write it out?

Answer. No, no. I believe she typed it up and left it for me.

Question. It was typed?

Answer. Yes, it was.

Question. And when you left, you left it right there?

Answer. I didn't take it with me, I left it there.

Question. Has a copy of that been given to you?

Answer. My attorney asked me to look for that, and I have been unable to find it. I don't think I took it out. It is wherever they find the desk is probably where it is at.

Question. Have you had any conversations with Craig Livingstone regarding that note?

Answer. No, no.

Question. Have you had any conversations with Craig Livingstone regarding your handwritten notes?

Answer. I don't—no, I don't think so. I don't think he knows anything about that. I don't know. That is an assumption. Strike it.

Question. Do you recall if you have had any conversations with Craig Livingstone about your notes?

Answer. I have not.

Question. We have been talking about SBIs, and I don't know if for the record we explained what they are. What you just describe what you are calling an SBI, what it stands for?

Answer. Yes. My instructions from Nancy Gemmell, an SBI is a secret background investigation which is sent to the White House, which is, number one, I understand, prepared for the White House for people who want to work in the White House. So the FBI go out and do an SBI for people who want employment in the White House. To my knowledge, that is the only people that do that, but I don't know that as a matter of fact. That is information that was provided to me by Nancy Gemmell.

Question. On Deposition Exhibit Number 9, when you requested a copy of a previous report—

Answer. Correct.

Question [continuing]. Is an SBI what would come back—what comes back as the previous report?

Answer. Yes.

Question. Did you ever request anything else other than a copy of previous report?

Answer. Sometimes I did some name checks, but that was—well, this list, take this sheet, okay? On a couple of occasions I requested name checks. I don't recall the circumstances where I requested name checks. A name check may have been just for volunteers, but I don't know if that is completely accurate. I would check full field investigation. If I had an SF-86, a full field investigation was requested, and the level of full field investigation was requested, it was level 1, 2 and 3. I don't recall at the time, at this time, what the levels meant, but I do recall that each time I had to type "level 3," I had to come in and type "level 3" and put the Xs beside it. So I put X at full field, X at level 3.

Question. Did you ever have any cause to request a full field investigation from the names on the list that was left for you that you were going through as a part of Project Update?

Answer. I would never—correction. I would not routinely—I would not request a full field investigation if there was not an SF-86.

Question. Okay. So unless you saw an SF-86 in that stack, no full field investigation would be ordered by you?

Answer. That's correct. Correct.

Question. Okay. When the SBIs came back from the Nussbaum forms where you check "copy of previous report," did you read those previous report—

Answer. The SBIs?

Question. The SBIs.

Answer. When previous reports came back on my name checks, I would get those SBIs and look for the office, and I would look for the last date of investigation.

Question. What do you mean by "office"?

Answer. I would look—I would look at the SBI, and it would generally describe, hey, you know, this person worked at the Office of the Vice President, okay? Well, that triggers immediately to me the Office of Vice President, and that was done in 1989, that unless this person has been placed in another position, which a lot of them were, that it is likely that this person was not here. So I would—I would make every attempt to find out if this was a person that was here.

Now, if I found that the person was still here, and their investigation was within the last five years, this thing went in the folder and nothing more was done about it.

Question. Okay.

Answer. If I found that they were gone, okay, I now had an SBI on somebody that was gone, and in the dead file it went.

Question. Where was the dead file?

Answer. In the file rack there was a folder, there was a file there for dead files.

Question. And that was where you put all SBIs that you would review and find that they were not currently at the White House?

Answer. That they were gone.

Question. Did they—did the SBI go into a folder?

Answer. Oh, yes, because I ordered it with a—I ordered it with this—this was in the folder, the copy was in the folder. When the SBI came back, I reviewed it. I would place on the folder the date of the last SBI. So immediately, if you looked at the folder, I knew when the next SBI was due, okay?

Now, once I identified clearly that the person was gone, then it would go in the dead file, okay? It was done.

Question. Did these folders that you were putting in the dead file all have a single color?

Answer. I don't recall if they did. I don't recall that.

Question. How big was this dead—can you describe the dead file? Is it a—
Mr. MUSE. Bigger than a bread box.

EXAMINATION BY MS. OLSON:

Question. I have a Redwell here. Is each—

Answer. It was a metal folder,. It was a metal file bin, and I stuck them in there.

Question. Was each file that was dead the size of a Redwell, or was the entire dead file the size of a Redwell?

Answer. No, no.

May I take one of your files?

Question. Yes, sure.

Answer. A folder that went in a dead file could be—only have a Nussbaum sheet in it or—and no record found, or it could have an SBI that could be an inch thick stuck in there. Those folders went in the dead file, and they got—

Question. And was that in the vault room?

Answer. Yes, it was in the—yes, they were kept in the vault.

Question. Was it in one of those big file cabinets that had 15 rows?

Answer. It was in a metal bin, a rolling file cabinet, and it was a metal bin. It was at the end of the alphabet, and there was the dead file. That is, incidentally, where I kept the update list, in that same bin.

Question. Do you recall if every single one of those files was orange?

Answer. I really can't recall the color.

Question. Did you notice files coming back of any particular color depending upon where they were—what agent they were from, or did you notice filing anything by color?

Answer. Well, you know, I know that there was different colors, but I also recall that GSA notified me that this person is gone.

Question. Uh-huh.

Answer. So that one, once that file went in there—so I don't know what color GSA was.

I know of another time that the last SBI was like 1985 for a person that worked in the grounds from the Department of Interior who was a detail, and I was ready to strike him from the list, and I made one last check, put him on a list that went over to the grounds, the head of the groundskeepers, and lo and behold I find this guy is back at the White House.

So that is why I checked diligently to find out if they were still there, because even though he was long overdue for an SBI, he had been detailed back. So if I had knocked him off that list and put him in the dead file, he would have not got in the White House to work.

So that is why that was, in essence, the flavor of the update project, to keep these people from, you know, not being able to get to their job. Maybe they worked nights, maybe they are janitors at night in the White House. I might never see them, or I might not even be able to contact them, see? I didn't know.

Question. Were people that you were putting in the dead file from all different agencies or from just a singular agency, one or two agencies?

Mr. MUSE. You mean departments?

Ms. OLSON. I am talking about agencies, I will call them departments, within the EOP, the Executive Office of the President.

EXAMINATION BY MS. OLSON:

Question. Were they from all different departments or just a single department?

Answer. To the best of my knowledge, they could be from anywhere. They could be from the telephone company.

Ms. OLSON. Okay. I have a document, and I have marked it now as Deposition Exhibit Number 11, and this is a list which at the top it says, "White House Personnel Security Files Staff Prior to 01-20-93." On the last page, the last typed item says, "Update Project as of 1-94-Marceca."

[Marceca Deposition Exhibit No. 11 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. I ask you if you have ever seen that document before, either with or without the handwriting?

[Brief pause for document examination.]
Mr. MUSE. The question?

EXAMINATION BY MS. OLSON:

Question. Have you ever seen that document before?

Answer. The list is similar, but the last page, I believe, is different.

Question. Okay. It is similar to what?

Answer. To another one that I have been shown.

Question. Okay. And can you set that in time? Were you shown that list prior to June of 1996?

Answer. No.

Question. Prior to June 1 of 1996?

Answer. No, I was not.

Question. Okay. This is a list—what is your understanding that that is—of this list, if you have one, at this point, today?

Answer. I recognize a series of names which appeared in the newspaper.

Question. Were you aware that a typed list had been created?

Answer. Not before the FBI showed me that list. Let's get to it.

Question. And how was this list represented to you by the FBI?

Mr. MUSE. I don't know if he should be answering how the FBI profiles a matter or how grand juries profile matters.

Ms. OLSON. If it is a grand jury matter, I don't want to go into it.

EXAMINATION BY MS. OLSON:

Question. You said that there were some names that you took off that you recognized that were going in the dead file. Are you able to look at this list and recognize if any of those names are actually on this list, if any would—

Answer. I was asked—I cannot recall that. I really can't.

Ms. OLSON. Okay. There is a second list, which I am going to put in as Deposition Exhibit Number 12.

[Marceca Deposition Exhibit No. 12 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. I ask if you have ever, prior to June 1st, 1996, seen that list?

[Brief pause for document examination.]

Answer. I don't recognize the list nor the names.

Question. Okay. Have you ever seen this list at all before today?

Answer. No.

Question. Okay. These lists—I mean, the representations that we have is that these were lists that were made after you left, and particularly Deposition Exhibit Number 11 is a list that was created of documents that were in the file drawer that you have described.

Do you know—do you recognize the names on Deposition Exhibit Number 11 as being any category of files you put together or that you left in any way, whether in the dead file or in another file?

Answer. I don't really recall—I would only be guessing.

Question. I am asking about Deposition Exhibit Number 11.

Answer. Deposition Exhibit Number 11?

Question. Yes, sir.

Answer. I do not recall any of those names. I recognize one name.

Question. And what is that?

Answer. Fitzwater's name, Marlin Fitzwater's name.

Question. Okay. Does it refresh any recollection that it appears to be the same as the—the same names as the list that you were working off of on Project Update?

Answer. It could be. I don't know. Without the list, I mean, I can't—I don't know.

Question. But independent of looking at some Secret Service list that you had, this list doesn't jog any memory that it is the same order that names were in on the Secret Service list?

Answer. Correct.

Question. When you left, you said you put files in a dead file. Had you created—how much of that drawer had you filled, if you know?

Answer. Probably about half of it.

Question. Okay. And had you looked at all of those background—those SBIs before putting them in the dead—

Answer. I looked at them for previous investigations, the date of previous investigation, and I looked at them for the office that they would work in so that I could identify who should get a new SF-86.

Question. Okay. And while you were looking at them for that information, did any name such as the name on the list for Deposition Exhibit Number 11 stand out at that time, such as a Tony Blankley, a James Baker, a Marlin Fitzwater, a Kenneth Duberstein?

Answer. At that time, no, and I didn't even see—I was looking for that Blankley or Blakely or whatever his name is, and I can't even find it now.

Oh, here it is.

Question. Anthony David Blankley?

Answer. Oh, okay. It is not ringing a bell.

Question. Okay.

Answer. This list here?

Question. Yes, sir. Deposition Exhibit Number 12.

Answer. Yeah. Are these—are you representing that these folks were Bush administration people?

Question. No. These are other files and other lists which were——

Answer. That were in the dead file?

Question. I don't know if they were in the dead file. If I knew specifically where they were and what had happened to them, I would tell you. These are additional documents that were in possession of the White House that were returned to the FBI, and I think the FBI reported publicly that they believed that they were improperly in the possession of the White House.

Answer. Can I consult with my attorney for a minute?

Question. Absolutely.

[Witness conferring with attorney. Brief recess.]

EXAMINATION BY MS. OLSON:

Question. Did you ever see Craig Livingstone reading the contents of the reports that you got back from the FBI?

Answer. Not that I can recall.

Question. Okay. Were you ever told that it was your job to read the contents of all of the previous reports that were ordered during the time when you were there?

Answer. As I recall, I was—I had to look up the dates of the last investigation, and I had to find the office, if I could. So as far as that goes, I looked at the reports.

Question. Okay. I think on questioning earlier you said that you looked at the reports, and I think you had said that you spotted some problems?

Answer. Correct.

Question. Can you tell me what you were reading when you were spotting problems?

Answer. Okay. If I would look at a report in depth, it would have an SF-86 attached to it, okay? And I would be looking for any FBI report, instances of travel as one of the things, and I would be looking to see if they put that travel on the SF-86. I would be looking for work, jobs that they had, and I would see if they would correspond with the SBIs. So for that, to accomplish that, I had to read both of these documents and assimilate those two, and that is what I did.

Question. And did you do that to all of the documents as you got them back from the FBI that you ordered previous reports on?

Answer. If—the only—as I said before, the only way I would do that is if I had an SF-86. Now, if somebody came back and I could not find where they worked in the White House, okay, if they were previous employees, previous White House employees and not with this new administration, as I said, they would go in the dead file.

Did I look at those things? I didn't waste my time looking at those, other than trying to find the last date of investigation. But did I review those? No, I didn't. I would have fallen asleep.

Question. Why do you say you would have fallen asleep?

Answer. Well, because most of them are the same, the same words just repeated over and over again.

Question. The SBIs are the same words?

Answer. The SBIs are mostly what great things people say about one another.

Question. But they would have any arrests that the individuals had; isn't that true?

Answer. If I had an SF-86, I would be looking—if I had an SF-86, and I saw that in the SBI, I would be looking to see if that was reported on the SF-86.

Question. Am I correct, though, for the previous reports that you ordered, you didn't have SF-86s; is that true?

Answer. That's correct.

Question. So when you were reading the previous reports, were you comparing it to some other SF-86?

Answer. No. When I was looking at—we are back to the update project. I have a list of names. I have ordered the SBI from the Secret Service, okay? Nothing on—

Question. From the FBI?

Answer. From the FBI, I'm sorry. Nothing on file, it goes—nothing on file, I can't find him in the White House currently working, it goes in the dead letter file.

Question. If you find him working?

Answer. If I find him working, and he needs a new SBI because it is beyond the last 5 years, he gets an SF-86. Once he gives me that SF-86, before I send it in, I check it to make sure that what he has got on the SF-86 is consistent with his background investigation as much as it is. If there is a problem that he didn't report something, then that is what I would first contact him and say, hey, you missed something here, okay? And then he would be given an opportunity to correct it. If he denied that there was a correction, then that—that was not my problem to straighten out. That was a problem that went to Mr. Livingstone, and I am assuming that he gave them to George Saunders because George Saunders gave me those files back, and I filed them.

Question. And that was a category of individuals of the three that you would call; is that correct?

Answer. That's correct.

Question. What about the category of individuals that you have sent off for a previous report, you have gotten back for a previous report, and they are not due their 5-year update; they are fine?

Answer. In other words, they have a 5-year update? Very good question.

Question. Thank you.

Mr. MUSE. I knew we would get to one.

The WITNESS. That SBI, we would be looking at that, and hopefully it would be on the front page that the SBI was on such a date within the last 5 years, went in the file and went in the master file.

EXAMINATION BY MS. OLSON:

Question. Did you ever review those to see if there were any problems with them?

Answer. I didn't have the time. No, I did not.

Question. Do you know if Mr. Livingstone reviewed those in the course of his duties just to see if there was any problems with these holdover people?

Answer. I do not believe Mr. Livingstone—I don't know that he did, but I can't imagine him going in a safe to get something out to walk out and to do it when he was busy all the time.

Question. What was he busy doing all the time?

Answer. He was busy doing this and that, answering questions.

Question. Was he working on any particular project that you know of?

Answer. He was in and out of the office.

Question. Was he doing advance?

Answer. No, not to my knowledge.

Question. Do you know where he was when he was in and out of the office?

Answer. No, I do not. He got calls. Whether it was a volunteer problem or it was this or that, I don't know.

Question. By in and out, was that on an hourly, or was he out for days at a time?

Answer. No, no, no. He would be called out, he would come back in, maybe Mari would take a memo, he would do something. He was busy.

Question. Was he ever out of the office for several days in succession while were you there?

Answer. Not that I recall.

Question. Do you recall him ever doing any advance work while were you there?

Answer. Let's see. That is the third time you asked that.

Question. Okay. I just keep asking it because you are someone who actually understands advance work.

So you did not read that category of files that didn't need an update, that didn't have an 86, that were ordered on the Nussbaum previous report; is that a correct statement to say? And you didn't read them for content, you only read them to see if they needed an update?

Answer. That's correct.

Question. Did you see anyone else in the office whose—or know of anyone else in the office whose job it was to look at the reports and see if these people were appropriate to remain in the Clinton administration?

Mr. MUSE. Appropriate?

Ms. OLSON. Appropriate for them to remain as holdovers in the Clinton administration or make a call on whether they were the kind of people that should remain.

The WITNESS. Okay. You are making a leap of assumption, and I have explained the process, and I will explain it to you, if you would like, again.

EXAMINATION BY MS. OLSON:

Question. Well, I know the process that you did.

Answer. I don't mean that sarcastically.

[Witness and counsel confer.]

Mr. MUSE. Would you repeat the question again?

Ms. OLSON. Yes, I will.

EXAMINATION BY MS. OLSON:

Question. Was it anybody's job in that office, that you are aware of, to review these files to make a determination on the basis of the content of those files whether or not they should remain as holdover employees of the new administration?

Answer. No.

Question. Are you aware of files that did not come straight to the office where you were in Personnel Security, but went straight to Mr. Kennedy from the FBI?

Answer. No.

Question. Are you aware of files coming back to Mr. Livingstone to review from Mr. Kennedy?

Answer. Yes.

Question. Can you describe what kinds of files went to Mr. Livingstone for review?

Answer. Well, they didn't go to Mr. Livingstone. They came from Kennedy's office down to my office to process the SF-86s.

Question. The file or the SF-86 came back?

Answer. The SF-86, the file and the previous background investigation came down with brand new—with brand new SF-86s, and I worked on those.

Question. And those are the ones that you compared to make sure the information was the same?

Answer. Yes.

Question. Livingstone also do that?

Answer. Not to my knowledge.

Question. Was anyone else doing that same—had that same responsibility as you while you were there?

Answer. During the period of August to February, I believe every SF-86—I may be wrong—I did it. Every Nussbaum letter, I did it.

Question. Do you know who—do you know if Ms. Gemmell was the sole person who did it before you?

Answer. I don't. I'm sorry, I don't.

Question. Did Lisa Wetzl do any of the same—did she do any SF-86 work while you were there?

Answer. I think Lisa helped me on a couple of SF-86s that I got back from the FBI, and the reason that she helped me with those couple is because the SF-86 came back, and there was—and the FBI described the problem. But I could not figure out what the problem was that they were describing.

Question. Okay.

Answer. And so the answer is, Lisa did look at a couple, but she was helping me with it.

Question. The Deposition Exhibit Number 9 next to the word "access" has an "S" in parens. Do you know what that means?

Answer. I would assume it means staff. "S" means staff. So access staff. I don't know what the date of this person's last SBI was, but that would be the requesting purpose.

Question. The FBI report talks about these forms having the word "access" and then an "I" in there. Do you know—

Answer. The FBI report?

Question. These Bernie Nussbaum forms, Deposition Exhibit Number 9, that it would have "access" typed with an "I." Do you know what that—

Answer. It sounds like an intern to me.

Question. Okay. And then the other letter that they saw was "access" with a "C." Do you know what that would be?

Answer. I think that is volunteer. I am not sure.

Question. Do you know who established this system? Did you establish it?

Answer. No. I believe that was—I don't know who established it, but I believe that was a preexisting system.

Question. Were you taught that system by someone?

Answer. I believe that was the system that was there. I don't know of anybody specifically told me that, but I know that that was what I went by, and I might have just picked that up on my own from other files.

Question. During your time at the Office of Security Personnel, did you ever talk politics or political matters with Craig Livingstone that you recall?

Answer. Not that I recall.

Question. Do you remember ever talking about prior Republican opponents on the campaigns that you both had worked on during the period when you were in the White House?

Answer. No.

Question. Okay.

Answer. There is a reason for that.

Question. Okay. Do you want to give me the reason?

Answer. The interns and some of the staff in the office were Republicans, so there was not political conversation in the office.

Question. Okay. Do you recall any staff that was Republican when you were there?

Answer. I believe a lot of them.

Question. Who?

Answer. In our office?

Question. Yes, sir.

Answer. I believe Lisa Wetzl, in our office, but there was others throughout the building.

Question. Any others in your office, though, in particular besides Lisa Wetzl?

Answer. I don't know. I really don't—I know about her, because I think she told me that.

Question. Was James Baker an individual who was an opponent, a Republican opponent, on any campaign that you worked on with Craig Livingstone?

Mr. MUSE. Was James Baker ever a candidate?

EXAMINATION BY MS. OLSON:

Question. Was he ever someone managing a campaign for a Republican candidate? Was he ever someone in particular who was on the opposite ticket of a campaign that you were working for?

Mr. MUSE. Is that a history question, or is that—

Ms. OLSON. Well, I am just wondering if James Baker was a name that would have come up that would have been someone on prior campaigns that Mr. Marceca knew about, such as if you ask someone who worked for George Bush's campaign, they would probably say Jim Carville was a name we knew, because everybody knew Jim Carville if they worked on the Bush campaign. So I am wondering if James Baker was a name that everyone who worked on some campaign would have known he was working on the opposite side.

The WITNESS. It doesn't come up on my screen.

EXAMINATION BY MS. OLSON:

Question. Do any of the names on the list for Deposition Exhibit Number 11 come up on your screen in particular as being names that you were well aware when you were working on campaigns were people that were opponents?

Mr. MUSE. Say that again. The question is, every name—

Ms. OLSON. Let's have it read back.

[The reporter read back as requested.]

Ms. OLSON. I can rephrase it if you think it is too long.

The WITNESS. I don't recognize any names, and you have an overexpectation of my abilities on campaigns.

Mr. MUSE. Try to respond. Do you recognize this?

The WITNESS. No.

EXAMINATION BY MS. OLSON:

Question. Just for the record, to be clear, can you just define what you mean "I don't recognize any names"? Because I know we have talked about Mr. Fitzwater.

Answer. You are talking about Mr. Baker. I do not recognize Baker, and I do not recall that he was involved in any Republican campaigns. He may have been, but I don't recognize that, and I don't recognize Mr. Baker on that list as being the Mr. Baker.

Question. That is fine.

I want you to look at that document, because since then there have been a lot of names who have been put—who have been identified as political operatives who have worked on numerous campaigns, and who have done various levels of jobs on campaigns, and I just want you to look at the list and see if any names, as you had put it, come on your screen or you recognize from your work on prior campaigns.

Answer. Okay.

[Brief pause for document examination.]

Mr. MUSE. Let me see if we have it accurate. Your inquiry is whether, when he saw any of these names back at that time he worked at the White House, if they somehow registered with him as the names of people involved in political matters?

Ms. OLSON. No. I am asking him, as he sits here looking at the list that has been identified as Deposition Exhibit Number 11, if any of the names on that list were individuals who were involved in any campaigns that he worked in on the opposite side.

Mr. MUSE. Well, your problem is they are individuals, you say were individuals, and I think that creates some problem. If you are asking him now, for example, about his present state of knowledge which would necessarily incorporate what has been in the newspapers about, for example, James Baker, he is drawing down on that, I thought, and I believe focusing on the fact that you were wondering about his state of knowledge as he would have seen any of these names back then. If you are now asking him—for example, Tony Blankley listed as Anthony David Blankley, one has to sort of take into consideration the fact that there are news media accounts of the fact that Tony Blankley has been identified as a person who is on some list.

Now, I am—

Ms. OLSON. Let me be clear.

Mr. MUSE. The problem is there is no clarity, and I want you to be clear, but I am just trying to tell you that for the life of me, I can't follow the use of this list in terms of drawing down a present state of knowledge or a past state of recollection or a present state of recollection that may have existed at a different time.

As you know, because I understand from many people that you are a very talented lawyer, there is a whole series of evidentiary considerations that go into past recollection recorded, present recollection refreshed, and any number of factors. As your questions are asked, there is all kinds of ambiguity, just between the two of you, and I don't think that there is going to be much room for clarity.

Ms. OLSON. Let me lay a foundation. It has not been determined that this is, in fact, the list that Mr. Marceca worked from. As a matter of fact, it has been determined that this is not the actual list. It has not been determined that Mr. Marceca worked from a list that had these names on it, so therefore, I don't have that list. What I have here is a list that was created at some point after Mr. Marceca left by an individual who claims that they were files that Mr. Marceca had put on a shelf.

Mr. MUSE. All right.

Ms. OLSON. So with that as a foundation, Mr. Marceca, I believe, has already stated that when he was actually in the White House looking at the green and white list, he didn't recognize any names.

Mr. MUSE. All right. Go ahead.

Ms. OLSON. And if that is incorrect, I would like that to be corrected by the witness.

Mr. MUSE. You're summarizing testimony, which I think has a lot of mischief associated with it. The testimony is as it is, but go ahead.

Ms. OLSON. It is as it is. So I am asking him to look at this list, understanding that it is not necessarily the list that he looked at while he was at the House. So I am not asking him if he remembers seeing these people while he was at the White House, because I don't know if this is the list. I am asking him if these names are people that he ever worked in opposition of in a campaign.

Mr. MUSE. Okay.

Ms. OLSON. And if he recognizes any of these names as being individuals of people he worked in opposition with on a campaign.

Mr. MUSE. Can you answer that question?

The WITNESS. Not to my knowledge.

EXAMINATION BY MS. OLSON:

Question. Did the interns that were in your office have security clearances, to your knowledge?

Answer. I do not know.

Question. Did you ever have them fill out any paperwork while you were there or get any checks on any of the individuals that were working in the office you were?

Answer. I don't know that any of them filled out SF-86s, which is what your question is.

Question. Yes?

Answer. I don't recall. They may have gotten jobs, but I don't recall.

Question. While you were working in the office under Mr. Livingstone, did you ever see the First Lady in the office?

Answer. In the Security Office?

Question. Yes, sir.

Answer. No.

Question. Did you ever have any contact, any professional contact with the First Lady while you were in the White House?

Answer. I might have shaken her hand once or twice. I don't recall specifically if I even did that. I would see her passing in the halls, but I never had any conversation with her.

Question. Did Mr. Livingstone ever describe any meetings or discuss any contact he had with the First Lady?

Answer. Not that I can recall specifically that he had—I don't recall that.

Question. Did he ever tell you that his job was due to a recommendation or input from the First Lady?

Answer. No. He never told me that.

Question. Did you receive your job because of input from the First Lady, your detail because of input from the First Lady?

Answer. No.

Question. Are you aware of any input or any comments from the First Lady concerning you coming over on detail?

Answer. That's a flattering question. Thank you. No.

Question. Okay. When you finished with the list, did you put it back in the file cabinet as you left?

Mr. MUSE. Which list?

EXAMINATION BY MS. OLSON:

Question. The Secret Service list that you were working on, the green and white list that you were working off of with the names?

Answer. It stayed in the vault. Except for the occasion that the intern worked on it across the desk from me, that's the only time that I can recall that it was actually out of the vault.

Question. Okay. But when you left and went back to the Army and left the White House, what did you do with the list?

Answer. Left it in the vault.

Question. Okay. And is it correct that you do not recall seeing the letter "I" or "A" next to the names that were on this list?

Answer. That's correct.

Question. Do you know approximately how many names were on that list total?

Answer. I really don't know. I don't have a clue.

Question. Do you know if it went from "A" to "Z" or if it stopped somewhere in the alphabet?

Answer. I've been asked that question. I don't know.

Question. How was the list specifically explained to you, if it was at all, what it contained?

Answer. To the best of my knowledge, it was imparted to me that the list was current people that needed access to the White House.

Question. And was it your understanding that what you were doing was updating files of current people at the White House who were holdovers?

Answer. Creating files.

Question. Creating files. Did anyone sign for files when the FBI agent would bring them back? The SBIs or whatever they would bring back?

Answer. I don't recall that.

Question. Did they come every day?

Answer. I don't know that, either. I don't think they came every day, but I remember they came in packages but I don't know that anybody signed for them. If that happened, it missed my attention.

Question. During the time period where you did say that the telephone call went back and forth from Mr. Livingstone to the FBI—

Answer. Uh-huh.

Question [continuing]. Did you have any discussion with Mr. Livingstone at that time about the number of files you were ordering and why you were ordering so many files?

Answer. No, that was a policy decision that was made.

Question. And I think you said you went down to a number, a set number per week that was a max you could order?

Answer. Correct.

Question. Were you hitting that max pretty much the whole time you were there?

Answer. Yes.

Question. Are you aware of Mr. Livingstone obtaining or doing anything with files from Bush and Reagan administration people?

Answer. I never saw him do anything with them.

Question. And by Bush and Reagan, I mean people who were not holdovers, I mean political appointees of a high level?

Answer. No.

Question. Did you ever do any activity on a campaign where you would actually obtain or try to obtain information and private information on individuals in the Republican Party?

Answer. No.

Question. Do you know if Mr. Livingstone ever did that kind of investigation?

Answer. Never came in my purview.

Question. Did anyone ever ask you to do that?

Answer. No.

Question. Did you hear any conversations at the White House that anyone was trying to conduct a project to get files on prior Bush and Reagan high level administration officials?

Answer. No.

Question. You had said that you reported to Craig Livingstone. Can you state what you understood the chain of command to be within that office concerning your detail?

Answer. Craig Livingstone, and Mary were my—Craig was my supervisor, Mari was the office manager. Mari could tell me what to do. Craig supervised me. My directions came mainly from Craig.

Question. Okay. And did you have an understanding of who Mr. Livingstone's supervisor was?

Answer. I understood that it was Mr. Kennedy.

Question. Okay. Did you give Mr. Livingstone any kind of status reports or memos on a regular or periodic basis?

Answer. I gave him some reports when he requested them.

Question. And can you describe what kind of reports you would give him?

Answer. As I recall, these reports listed the number of, I think, SF-86s and might have discussed where I was at. I don't have that in front of me. I just can't recall that very vividly.

Question. But was that on a weekly basis?

Answer. As I recall, there were a couple of times he asked me, but that may not be correct. He may never have asked me for that. He may never have asked me for any kind of a status report.

Question. Do you believe that you did at some point, though, create a status report?

Answer. I do.

Question. Do you know if it was more than one?

Answer. I think it was more than one. Whether he threw it in the burn barrel, I don't know.

Question. My question was, do you recall if you gave it actually to Craig Livingstone after you created it?

Answer. I don't recall if I gave it to him or to Mari.

Question. Do you recall if it was to one or the other at least?

Answer. Well, it was most likely to Craig, but it was probably to Craig, but I don't recall that I put it on his desk or I put it on Mari's desk.

Question. Did you ever attend any meetings with Bill Kennedy?

Answer. No, not to my knowledge.

Question. Or sit in on any meetings with Bill Kennedy?

Answer. Oh, no.

Question. Same question. Did you ever attend any meetings or sit in on any meetings with Vince Foster or Bernie Nussbaum?

Answer. Well, no.

Question. Did you ever attend any political meetings or gatherings while you were working at the White House?

Answer. No.

Question. Did you ever have any contact or conversation with the FBI about the number of reports that you were ordering or any conversations about the frequency of the reports that you were ordering?

Answer. No.

Question. When you left, there came a time you said in mid-December where you did start doing the list because you needed to find where the people were?

Answer. Right.

Question. Was the project still ongoing when you left in February?

Answer. Yes.

Question. Were you still sending in requests for previous reports? In January and February?

Answer. I don't have any recollection that I stopped sending in at any point.

Question. Okay. Why did you leave when you left the White House?

Answer. My detail ended.

Question. Did you try to get your detail extended?

Answer. As I understand my agency, the only conversation I recall—no.

Question. Do you know if anyone tried?

Answer. Not that I recall.

Question. Do you know if anyone else tried to get your detail extended?

Answer. I don't think they did.

Ms. OLSON. I have a document that I'm going to mark as deposition number 13. It's Bates stamped CGE 43810, White House office personnel from other offices.

[Marceca Deposition Exhibit No. 13 was marked for identification.]

EXAMINATION BY MS. OLSON:

Question. Have you ever seen that document before without the highlighting marks and the Bates stamp number?

Answer. I've never seen this document before.

Question. This is a document that purports to request to extend your detail for another term. Were you ever told any reason why your detail couldn't be extended by the White House?

Answer. The fact that my detail was ended was—I was advised by my personnel office, Betty Bray, that my detail was ending on the date that it was ending. I thought that it was ending on March 1, but I was told by Betty Bray that the detail was ending on the pay period that it ended. That's all the conversation that I had. If that document is accurate, I was unaware of that document.

Question. Were you ever informed or were you aware of any problems in your security clearance?

Answer. I was made aware of it at some point later.

Question. Do you know if that had any effect on your having to leave the White House?

Answer. Not conclusively.

Question. And what were those problems?

Answer. Apparently there was a problem in my background.

Question. And what was that?

Answer. What was my problem?

Question. What was the problem that was in your background?

Answer. Apparently there was some negative information in my background.

Question. Concerning what?

Answer. Concerning my work in Texas.

Question. Was that information having to do with your work for the company, the Attorney General's office in Texas?

Answer. That's correct.

Question. And what was that?

Answer. I had been—a woman had filed a private claim against me in Texas.

Question. Did you ever have any discussions about that complaint with Mr. Livingston?

Answer. Yes, I did.

Question. And was he aware of that prior to you starting at the White House?

Answer. I believe so. I'm not sure about that.

Question. Do you recall having any additional discussions with him about that while you were at the White House?

Answer. No, not specifically.

Question. Did anyone else question you about that incident while you were at the White House?

Answer. No.

Question. Did Mr. Livingstone ever discuss any problems in his background that he had getting clearance at the White House?

Answer. No.

Question. Were you aware of any conversations with anyone else concerning Mr. Livingstone's problems getting a security clearance at the White House?

Answer. No.

Question. When you left, did you pass on Project Update to anyone or explain to anyone what you had been doing on Project Update?

Answer. When I left—before I left, we had a meeting.

Question. And who was that?

Answer. Everybody in the meeting, as I recall, Mari, Lisa, Craig, and myself. It was agreed at that time that I would come in on a Saturday at some—within the next month and that all four of us would work on the update project and get it completed. And we would do that on successive Saturdays until the project was done, which we thought it would take a couple of Saturdays.

Question. And it was Lisa working primarily?

Answer. No, it was myself—the agreement was that the four of us would work on that together.

Question. Okay. Did you do that?

Answer. No, I did not.

Question. Was there a reason why you didn't?

Answer. Well, as soon as I went back to my agency I got sent on a detail to Canada. When I got back from Canada, very shortly thereafter, I was made Special Agent in Charge and I did not have the time to—I didn't have the time to do anything like that. And I didn't.

Question. And when you were made Special Agent in Charge was that a promotion?

Answer. It was a temporary position.

Question. Is that one that you hold at this time?

Answer. No, I don't.

Question. Have you received any promotions since leaving the White House?

Answer. As I mentioned earlier in my statement, I was promoted to a GS-13 about a year before I went to the White House. The paperwork, the actual promotion, the SF-50 I received, that—I believe it is an SF-50—I received the 50 action after I got back from the White House. No, as a matter of fact, I think I received it before I left the White House.

Question. Other than—

Answer. I think I got promoted while I was at the White House.

Question. But that was a promotion that you had knowledge of before you came; right?

Answer. It was a promotion—was an advertised position that I had to submit, you know, paperwork for, and it was a competitive promotion and I received that in a competitive thing approximately 2 years prior.

Question. And did that give you a different or a changed title?

Answer. It just made me a senior agent.

Question. Okay. When you left on the last day, you left out of the White House, did you—do you recall if you left a copy of the green and white file you were working from on the table or in the file?

Answer. I left it, to my knowledge, in the file.

Mr. MUSE. Speaking of leaving—

Ms. OLSON. Yes, I have crossed out—that was my last page, but let me double check and make sure I have everything done.

Let's just go off the record for 2 minutes and let me double check everything so I don't kick myself and make sure I have everything. No reason you sitting here while I go through this.

Mr. MUSE. All right.

[Recess taken 8:18 p.m. to 8:21 p.m.]

EXAMINATION BY MS. OLSON:

Question. Did you run for delegate to the Democratic National Convention at one point in your career?

Answer. I did in 1975.

Question. Did you win?

Answer. No.

Question. In the 1970s, did you apply for a Federal position with the Law Enforcement Agency?

Answer. I think I did. I think I made a lot of applications.

Question. To the FBI?

Answer. I don't know that I applied to the FBI. I might have, I don't know. I don't remember that.

Question. Do you know what agencies or what types of agencies you were applying to at that time?

Answer. I don't—I know that I applied to a lot of agencies. Took tests and stuff like that.

Question. Law enforcement agencies or—

Answer. Yes, mostly law enforcement agencies.

Question. Okay. Did you ever obtain Army dossiers on individuals and pass them on to the White House to aid them in their appointment of individuals to positions? And by "Army dossier," I mean similar to a background file?

Answer. You asked me that earlier and I answered it, but it's possible that I contacted an agency. But I'm not sure that I got any files back. I mean, I'm not sure what I got for them, but I do recall trying to do an update and requesting some files.

Now, when I gave that answer earlier, I didn't want to mislead as you read to me, so I don't know that that—I cannot answer with certainty your question. I don't know.

Question. And when you were obtaining this update, were you seeking files that you had authority to seek?

Answer. I believe I was trying to identify if the individual was still working at the White House or on detail to the White House. That's the only thing that I can imagine that you're referring to. That you mentioned the central clearance facility.

Question. Yes, sir?

Answer. That's got me completely baffled.

Question. So, other than that, did you ever do any favors for anyone to try to get some confidential dossiers to help defeat a promotion or appointment for a person during the Clinton administration?

Answer. No, I don't—I don't know what you're talking about.

Question. Okay.

Ms. OLSON. I don't believe I have any questions, if Minority has no questions.

Mr. STROMAN. Minority has no questions.

Ms. OLSON. We are down from the record.

[Whereupon, at 8:24 p.m., the deposition concluded.]

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

IN THE MATTER OF: WHITE HOUSE TRAVEL

DEPOSITION OF WILLIAM H. KENNEDY, III

TUESDAY, JUNE 18, 1996
Washington, D.C.

The deposition in the above matter was held in Room 2203, Rayburn House Office Building, commencing at 9:35 a.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Comstock, Investigative Counsel; Barbara Olson, Chief Counsel; Laurie Taylor, Assistant Counsel; Kristi Remington, Investigator; and Donald Goldberg, Minority, Assistant to Counsel.

For WILLIAM H. KENNEDY, III:

JOHN CONRAD HANKS, ESQ.

WILLIAM F. COFFIELD, ESQ.

Sharp & Lankford

1785 Massachusetts Avenue, N.W.

Washington, D.C. 20036

Ms. COMSTOCK. We are on the record this morning for the deposition of Bill Kennedy, which will be administered under oath.

I will identify the people present in the room. My name is Barbara Comstock; I am a Majority investigative counsel. Laurie Taylor is assistant counsel. Our chief investigative counsel, Barbara Olson, is here and also Kristi Remington, assistant counsel in our office. Don Goldberg from the Minority staff is also present.

We are conducting this deposition pursuant to House Resolution 369, which I believe you are familiar with, Mr. Kennedy, from a previous deposition so I will not go through the previous statement of scope this morning.

THEREUPON, WILLIAM H. KENNEDY, III, a witness, was called for examination by counsel, and after having been first duly sworn, was examined and testified as follows:

EXAMINATION BY MS. COMSTOCK:

Question. Mr. Kennedy, you joined the White House Counsel's Office in March of '93; is that correct?

Answer. No, that's not correct. February of '93.

Question. Okay. Was it late February?

Answer. Nope. First week of February.

Question. Okay. And do you know who was involved in your hiring?

Answer. With specificity, no.

Question. Did the First Lady have any involvement in your hiring?

Answer. She did.

Question. Do you know if the First Lady was involved in hiring Mr. Nussbaum at all?

Answer. I can't answer that.

Question. Do you know if the First Lady was involved in hiring Mr. Foster at all?

Answer. I presume she was. I don't know that directly.

Question. Do you know if the First Lady was involved at all with the hiring of Craig Livingstone in your office?

Answer. I don't believe she was. I do not know one way or the other. I don't believe so.

Question. Do you recall ever saying to anyone that the First Lady wanted to have Craig Livingstone in the position at the Security Office at the White House?

Answer. Me ever saying that?

Question. Yes.

Answer. I never said that.

Question. Do you recall when you got your security clearance when you were at the White House?

Answer. Huh-uh. No.

Question. Do you know who adjudicated your file?

Answer. I do not.

Question. Do you know if there were any tax problems that came to anyone's attention in your file when you first came to the White House in 1993?

Answer. I decline to talk about my file. I've never seen it. I don't know what's in it.

Question. Did there come a time when you had some nanny tax problems?

Answer. There were allegations of those problems, yes.

Question. And had you informed anyone in the counsel's office about those tax problems?

Answer. I did.

Question. And who did you inform?

Answer. Vince Foster.

Question. Had you informed anyone else besides Mr. Foster?

Answer. No. Well, I mean the answer is yes; when the allegations hit the press, yes, I talked to Mr. Nussbaum.

Question. And what did you tell Mr. Nussbaum?

Answer. That the allegations were false.

Question. And why was that?

Answer. Why was that what?

Question. Why were they false?

Answer. They weren't true.

Mr. COFFIELD. I remember—I can't remember with specificity going through the scope of the investigation, but I don't think it's going to wade into his tax problems with his nanny.

Ms. COMSTOCK. No, I am trying to find out who he talked with about these problems.

EXAMINATION BY MS. COMSTOCK:

Question. Did you ever have any discussions with anybody in the counsel's office about the suitability of Craig Livingstone for this position?

Answer. I need to amplify an answer, I have been thinking about your previous question. These allegations about nanny problems came up at a time when Bernie Nussbaum was leaving and Lloyd Cutler was present, so I also discussed them with Lloyd Cutler.

Question. Thank you for clarifying that.

Answer. You asked a question?

Question. Why don't I go back. You don't know who hired Craig Livingstone or how he came to have the position as Director of White House Personnel Security?

Answer. No, Craig Livingstone had been identified as being sort of the person for that post when I arrived.

Question. Do you know who identified him as that person to be in charge of that?

Answer. No, I do not.

Question. Do you know if it was somebody in the counsel's office?

Answer. I do not know.

Question. Do you know if Bruce Lindsey was involved in his hiring?

Answer. I don't think Bruce Lindsey was, but I don't know.

Question. At that time was Mr. Lindsey in charge of personnel?

Answer. He was in charge of Presidential personnel, yeah.

Question. Did there come a time when you had any discussions with Mr. Livingstone about any concerns that you had about his background?

Answer. Yes, there were.

Question. And could you describe what those conversations were?

Mr. COFFIELD. I don't think he can under the Privacy Act.

EXAMINATION BY MS. COMSTOCK:

Question. Did you ever express to anybody any—

The WITNESS. Let me discuss something with my counsel.

[Witness confers with counsel.]

Mr. GOLDBERG. Would you read the previous question.

[The reporter read back as requested.]

EXAMINATION BY MS. COMSTOCK:

Question. I think we will stay away from anything that you know for privacy matters.

Mr. COFFIELD. And his concern is, too, whether it enters into a privileged area, too.

EXAMINATION BY MS. COMSTOCK:

Question. Why don't we stick to—did you ever have any discussions with anyone in the counsel's office about any concerns that you had about Craig Livingstone's suitability for the position he was in at the White House?

Answer. Yes, I discussed them with Vince Foster, deputy White House counsel at the time.

Question. And did Mr. Foster express an opinion on whether Mr. Livingstone was a suitable individual for the position of heading up White House Personnel Security?

Answer. No, he didn't—you know, he didn't know Craig any more than I did when I arrived, and he suggested that I—I can't remember exactly—he suggested that I talk with someone named Christine Varney who worked at the White House who had worked with Craig in the campaign.

Question. And did you do so?

Answer. I did.

Question. Okay. Can you tell us what Ms.—

Answer. I'm sorry; I mean what I was discussing was stuff contained in Craig's background and I don't believe I can discuss that.

Question. Did there come a time when you considered having somebody else in that position?

Answer. No, first of all, it wasn't my decision to make, and, second of all, the only concerns I had concerned these matters which were not—I don't know how to describe them. They were items of concern, but they were not killers as it were. And once they were discussed, that was the end of that.

Question. Do you know whose decision it would have been to change Mr. Livingstone from that position?

Answer. You're asking me to speculate. I don't know. I do not know how Craig was identified for this job. It was done before I got here. I do not know. You know, it would have probably gone through normal channels in the White House, okay? But at this point in time early in February or—well, it would have been a little bit later, those channels were still in the process of being worked out.

Question. Do you have any idea what channel this went through to hire Mr. Livingstone?

Answer. I do not. I'm sorry.

Question. And you didn't know who you needed to talk to if you didn't want him to be in that position?

Answer. Well, I mean obviously, I followed—I talked to Mr. Foster about these concerns. Okay? And that's where I thought I was supposed to go.

Question. Do you know if Mr. Foster ever raised this with anybody above him?

Answer. I do not know.

Question. Did he ever say anything to you after that he had talked to anybody else about Mr. Livingstone?

Answer. He did not. He did not.

Question. Do you know if Mr. McLarty was ever consulted on Mr. Livingstone's suitability?

Answer. I do not know. To my knowledge, he was not, but I can't say that across the board. I just don't know.

Question. Were you aware that reviewing background files was a sensitive position in need of attention to detail and high integrity?

Answer. You bet.

Question. Did Craig Livingstone meet this description in this position?

Answer. Yeah, I think so.

Question. What in his background made you think this was a position that he was suitable for?

Answer. What background are we talking about?

Question. What about Craig Livingstone made you feel that he would be an appropriate person for this position?

Answer. Craig Livingstone had been identified for this position before I got here. That decision was made by others. I came to know Craig as an honest, hard working person. I felt he had sufficient attention to detail to deal with this job. Overall, I thought then and think now he's done an okay job with it. I really have to say I don't understand your question I'm trying to respond to.

Question. What efforts did you take to make sure that Craig had the proper training for this position?

Answer. Craig had no experience in these matters. Neither did I, and so we engaged in OJT, on-the-job training. He got as many briefings as his schedule would allow to allow him to learn security procedures. He worked intensively with Ms. Gemmell, she was the former director of the office, and learned as much from her as he could. He just did his best to get up to speed. I helped him whenever and wherever I could.

Question. Do you know who provided him with briefings?

Answer. You'd have to ask him. I don't know. I think he received some briefings from the Secret Service. I think he received some briefings from the CIA. He may have gotten some from the FBI. You'd have to ask him. But I know he was fairly diligent in trying to get up to speed on the things he should be doing.

Question. Were you aware of him also working on advance at this time at the White House?

Answer. I don't recall him—I mean, you'd have to tell me what your definition of "advance" is.

Question. Going on trips, working on setting up advance for trips and making arrangements such as he had done during the campaign.

Answer. What time frame are we talking about here?

Question. In 1993.

Answer. He didn't do very much of that. He did some of that. He also helped in arranging security for and assisting in the conducting of events at the White House. He did some advance work, but not very much, if I recall correctly.

Question. Okay. You had mentioned Ms. Gemmell. I believe Jane Dannenhauer, actually, had been the prior director of the office.

Answer. You may be right. I may have their titling confused, but Nancy had been in the office for a long time.

Question. Okay. Were you aware of whether or not Ms. Dannenhauer had split her duties between Advance and Personnel Security?

Answer. I don't know—I have only a superficial knowledge of sort of how they operated.

Question. What type of training did you get in this background?

Answer. In what background?

Question. In working on background investigations in security matters?

Answer. Not as intensively as Craig got, but I did reading on it and tried to understand the policies and procedures, received some briefings myself from the CIA and talked to the FBI about how they did things, questioned Ms. Gemmell and to a lesser extent Ms. Dannenhauer about how they operated things.

Question. Do you recall what you read?

Answer. No. I can't recall the details. There are a number of manuals that you can get your hands on about how backgrounds are conducted, the standards that you use, the policy and procedures manuals.

Question. Do you recall who gave those to you?

Answer. I got—you know, I can't recall specifically. Some were there in the Security Office. Some were available in the OEGB Library. Bits and pieces came in from the agencies that we dealt with. I can't remember specifically.

Question. I believe I had asked you if you had ever told anyone that the First Lady wanted Craig in this position. But I also wanted to ask you did the First Lady ever tell you that she wanted Craig Livingstone in this position?

Answer. No.

Question. Could you describe what type of supervision you did of Craig Livingstone in this position?

Answer. I did not supervise Craig on a day-to-day basis. I had another full-time job of my own. Craig was to run the Office of White House Personnel Security. It was his job to make that office and that function work. And we worked out arrangements where he brought problems to me that he thought had risen to the level that I needed to give them attention.

Question. Can you describe what your other full-time job was?

Answer. I was clearing presidential appointees, PASSs, PAs, other presidential appointees, through the Office of the Counsel to the President.

Question. This was in addition to clearing all the White House personnel for their backgrounds?

Answer. Well, that was my primary function. Craig's primary function was dealing with the White House passes and he reported to me. But I didn't give him day-to-day supervision. He came to me when he had problems, if he needed help, stuff like that.

Question. All right. Could you describe what Craig's role was in this process?

Answer. In which process?

Question. In the backgrounds and the clearances.

Answer. Of whom?

Question. Of anybody.

Answer. Well, I just gave you a dichotomy. I am running a clearance process for presidential nominees and appointees.

Question. Was he involved in the presidential appointees or nominees?

Answer. Only in coordinating paperwork. He didn't do anything more substantive than that unless there was an intersection between a presidential appointee and the work that he was doing, as, for example, somebody holding a pass got appointed to a PSA, then I would interact with his office and we would interact in that process.

Question. So would Craig get the initial paperwork? Would it come from his office?

Answer. Not all of it, but some of it he would.

Question. Okay. What would he get?

Answer. You have to be more specific, Barbara. What are you talking about?

Question. I am talking about presidential appointees, what paperwork would Craig Livingstone have had?

Answer. I think as a matter of convenience we ran the IRS checks because they were coming over from the IRS. They came over as a group, and he would send the IRS checks on PAs and PASSs and other presidential appointees up to our office.

Question. Okay. And then would they be returned to your office?

Answer. It's not a question of return. They were coming to my office because that's where they belonged.

Question. I am trying to get a sense of the paper flow here. What paper was going through Craig's office, if you could explain that, please?

Answer. Well, the problem that you and I are having is you are mixing apples and oranges.

Question. Why don't you explain?

Answer. Well, but I keep—with all due respect, I keep asking you, what are you talking about? Just think of it this way: You have a clearance process for people holding White House passes. Then you have a clearance process for people that

are—that receive presidential appointees and sometimes they intersect. Most of the time they don't, but sometimes they do.

Craig is running one. I am basically running the other. Craig is reporting to me. Okay?

If he is having problems, if he needs help, if he wants to talk about something, he comes to me with it. I helped him whenever I could. I did everything I could to be sure that his office functioned smoothly. But, now, if you want to talk about one process or the other, I can answer your questions. But the way—

Question. Okay. We were on the presidential appointment process and I am asking you what initial—if any initial paperwork went into Craig Livingstone's office.

Answer. Okay. I believe, but don't hold me to this, that as a matter of convenience the IRS tax-check forms came to Craig's office and came upstairs to us.

Question. Okay.

Answer. On presidential appointees.

Question. And to your knowledge, did Craig Livingstone review those at all?

Answer. I don't believe he did. I don't know. I don't think he did, other than somebody had to separate them.

Question. Okay. Did you ever tell him not to review them or what to do with them?

Answer. The—what to do with them? Yes. Okay. Send them up to us.

Question. Okay. Aside from sending them up to you, did you ever tell him whether or not he could look at them or if he should look at them or not?

Answer. I don't recall having that discussion. Craig had plenty to do. Okay?

I mean, it would be—it would be beyond my wildest imagination if he thought that he should look at presidential appointee IRSs. To my knowledge, he did not.

Question. But I am asking you a different question. Did you ever instruct him one way or the other?

Answer. Did not feel the need to is a better way to answer your question.

Question. Okay. Aside from those IRS forms, did any of the paperwork or any of the background checks of these presidential appointees go through Mr. Livingstone's office?

Answer. I don't think so. I don't remember precisely. I don't think so. I think I can say, to the best of my knowledge, that only the IRS stuff came over, simply as a matter of convenience.

Question. And then switching over to the White House employees who were—or Executive Office of the President employees who were having background checks done, can you describe what paper in that area went through Mr. Livingstone's office?

Answer. Almost all of it, if not all of it, with regard to those people.

Question. And did Mr. Livingstone review all of those backgrounds?

Answer. As far as I know, he did, yes.

Question. And could you describe what guidance you provided to him on reviewing those backgrounds?

Answer. The guidance that I previously spoke about. I mean, he reviewed the standards and procedures, just as I did, to understand how the process was supposed to work and what standards to apply in adjudicating backgrounds.

Question. Okay. Could you briefly describe those standards?

Answer. It's very hard to describe them, other than in terms of you would look for, you know, obvious criminal behavior. You would look for conduct which would indicate a possible threat to security. You look for evidence of general character or lack thereof. You look for weaknesses in character illustrated by, you know, any number of things. And you just try to get a feel for the individual as shown by these backgrounds.

Question. And you were confident with Craig Livingstone's ability to review these matters?

Answer. Yes, I was.

Question. Okay. And could you describe how Craig would have—what he would do in reviewing these files, how he would pass them on to you?

Answer. Those files did not come to me unless there was a problem that he felt like he needed to discuss with me.

Question. All right. So Craig Livingstone was adjudicating the files completely?

Answer. No. If he felt like he had a problem that needed to come to my attention, in other words, if there was a substantive problem in someone's background, he would usually bring those to me and say: I think this is a problem; do you agree?

Okay? But was he adjudicating backgrounds, yes, that was his job.

Question. Okay. And so if Mr. Livingstone reviewed a file and decided there was nothing wrong with it, you would never see it?

Answer. That's right.

Question. Did Mr. Livingstone—

Answer. As you know, there are hundreds and hundreds of these things.

Question. I understand.

Answer. Hundreds and hundreds.

Question. Did you ever meet with the individual who had worked or any individual who had worked in this position at the White House prior to—an attorney who worked in this prior?

Answer. Any attorney?

Question. Yes. Any White House Counsel who had overseen this process in the past.

Answer. Not to my knowledge. I mean, I can't—I don't know, for example, who in Boyden Gray's office had this responsibility. I don't know. I may have run into him, but I don't know.

Question. I am just wondering if you ever sought out anybody for their assistance or guidance on these matters?

Answer. Other than Ms. Dannenhauer and her previous staff, no.

Question. Can you describe approximately how much of your time was spent on handling these background investigations in presidential appointee matters?

Answer. Which one are we talking about?

Question. Well, why don't we—the two combined, what percent of your time was spent on that and then if you can separate out the two.

Answer. 120 percent on the two combined. 100 percent over here, 20 percent over here.

Question. 100 percent on the presidential appointees and 20 percent on the backgrounds?

Answer. Uh-huh.

Question. So would it be fair to say that Mr. Livingstone was doing the lion's share of the adjudicating of the files then?

Answer. Which files are we talking about?

Question. Of the White House Executive Office of the President files?

Answer. Yes. That was his job. And he would bring problems to me.

Question. What was the process by which he would bring problems to you?

Answer. He would call me on the phone or else stop by and say, I need to talk to you. I have got some problems we need to discuss. And I would say either come on in or I would make an appointment with him, or sometimes I would stop by his office and we would talk about whatever we needed to talk about.

Question. Okay. Would he provide you with the files that he had concerns about?

Answer. He would usually provide me just with the background, usually. Sometimes it would be a tax check, but rarely would it be somebody's SF-86. Rarely would it be any other information. I would say close to 100 percent of the time the problems would show up in the background.

Question. Okay. Would he physically show you the documents and the paperwork on such an individual?

Answer. Well, he would show me the background. That's where most of the problems would be. And if he had a document that showed me another problem, he would show me that.

Question. And then how—then you would resolve these matters at that point?

Answer. Yes.

Question. And who would—did you discuss these kind of matters with anybody, any of your superiors?

Answer. Every once in a while something would rise to the level that I would go discuss it with Bernie Nussbaum or whoever my boss was at the time.

Question. So it would be Bernie Nussbaum or whoever was White House Counsel at the time?

Answer. Sometimes it would be Mr. Foster or the Deputy White House Counsel.

Question. All right. Would you ever discuss—besides the Deputy Counsel or the White House Counsel, did you ever discuss this with anybody else at the White House?

Answer. Well, all right. Who are we talking about? Are we talking about presidential appointees or are we talking about White House—

Question. We are talking about the matters that Mr. Livingstone would bring to your attention, which would, I assume, be the White House employees?

Answer. Every once in awhile I would be directed to go and talk to whoever was going to use that person. Just for example, picking out of the air, if someone was going to go to the Office of Public Liaison, okay, and there was a matter in that person's background that I thought might be problematical and whatever basis it might be, I would usually go up the chain of command inside the Counsel's Office

and sometimes the decision would be made, go and advise this person's prospective superior that this situation exists and let them make the call.

Question. Were these matters ever discussed with Mr. McLarty, to your knowledge?

Answer. I cannot recall ever discussing a background with Mr. McLarty. Whether they—any matters got to him through another way, I don't know.

Question. Do you know if the First Lady was ever involved with any of these problem matters?

Answer. Okay. Well, look—

Question. Why don't we—we are dealing with not the presidential appointees, but the—

Answer. Okay, Barbara, you have got to do this because the answer that I just gave you is not true with regard to presidential appointees.

Question. Okay. Let's put presidential appointees aside for now.

Answer. Okay. I don't recall ever discussing a problem in a background directly with Mack McLarty.

Question. Okay. Or the First Lady?

Answer. No.

Question. Okay. Did the First Lady ever involve herself in any matters dealing with background investigations or clearances?

Answer. Not to my knowledge.

Question. Are you aware of any problems that were ever raised by the President or the First Lady with any of the residence staff?

Answer. No. I am unaware of any problems that were raised, although I have read press reports, of course.

Question. Okay. And are you aware of Craig Livingstone ever requesting a background investigation of a residence staffer out of the ordinary course of business?

Answer. I am unaware of any such activity. I don't believe it occurred.

Question. Okay. So you have no knowledge of any such request of Mr. Livingstone?

Answer. Huh-uh.

Question. And you have no knowledge of Mr. Livingstone taking it upon himself in any way to do that?

Answer. No. As I say, I don't believe it happened.

Question. Were you aware of Craig Livingstone having interns and volunteers working in his office?

Answer. Yes.

Question. Did you ever discuss this with him?

Answer. Sure. We were—he in particular was swamped. He had both detailees and interns and volunteers working there. I am not sure he had volunteers there. I think he mostly had interns.

Question. Okay. And did you approve him having interns in the office?

Answer. Yes.

Question. Okay. Could you describe any discussions you had with him about these interns?

Answer. I made sure that he knew that the interns could not see information which would be considered confidential and whatnot; that they could help process paperwork.

Question. Okay. Do you know if the interns were provided with any memos or documents to that effect?

Answer. I can't answer that. I presume Craig did so, but he may have advised them verbally of that. I just don't know.

Question. Do you know if any of the interns had any security clearances?

Answer. If they had access to the White House, they did.

Question. The interns would?

Answer. If they had a White House pass, if they had access to the White House, they had had a level of security clearance, yes.

Question. Were you aware of the interns working in the vault that was in Craig Livingstone's office?

Answer. I don't believe they did, but I also don't know. As I say, I was not in Craig's office on a daily basis.

Question. Okay. How often were you in his office?

Answer. Sporadically.

Question. All right. Can you describe more specifically? Weekly?

Answer. I absolutely cannot. I mean, it was sporadic. It was on an as-needed basis. You know, I am sure there were weeks that went by that I didn't go in at all and then I may come in two or three times in a week.

Question. Do you recall in what type of—for what type of reasons you would go to Mr. Livingstone's office?

Answer. Ninety-nine percent of the time it would be to discuss a problem that he might be having with a prospective White House employee or a current White House employee. It would be sometimes go to retrieve information. It just could be anything under the sun.

Question. Were you aware of Mr. Livingstone ever having any problems with any interns at the White House?

Answer. You would have to put some content in the word "problems." I don't recall him having any problems with interns but that's not to say it didn't happen.

Question. Did he ever raise with you any problems that he had with the interns?

Answer. I don't recall him doing so. He may have. I simply do not recall. I don't recall anything substantive. Again, when you say this, I'm talking about interns that worked for Craig.

Question. Yes, I understand.

Okay. Did there come a time when Craig talked to you about hiring Anthony Marceca to work at the White House?

Answer. Yes.

Question. All right. And can you describe how that came about?

Answer. Craig needed help. He was swamped. There was a ton of work to be done. He came and he said that he had worked with Marceca before, thought he was a good hand and that he had talked with Marceca, and Marceca was interested in coming to work at the White House with Craig and he wanted to do this.

Question. Okay. And what did you say?

Answer. I said, tell me about him. So he did. And then I said, well, if you want to use him, we will try and get him.

Question. All right. Did you get any information on Mr. Marceca independently of Craig's recommendation?

Answer. Did not.

Question. Okay. Did you—

Answer. Well, later on, you know, his background came in the normal course.

Question. Did you interview Mr. Marceca?

Answer. The short answer would be, I don't know if you would call it a normal interview, but did I talk to Tony, yes, I did.

Question. And could you describe that contact?

Answer. I had a practice of trying to meet all of the detailees that were going to work in the White House Security Office—White House office—the Office of White House Personnel Security. Craig and I thought it was helpful just to eyeball them, see who they were, make a little speech about how they are working with sensitive information and they needed to be careful what they did with it, how they did with it and like that.

And so, you know, Craig brought Tony by one day and I visited with him. There was nothing out of the ordinary about that talk.

Question. How many detailees were there in the Office of Personnel Security?

Answer. I think most of the time there were at least two, maybe three, if I remember correctly. Maybe sometimes just one.

Question. And why were there detailees as opposed to having permanent hires in the office?

Answer. They were just—under the budgets we were operating under, we had a need for detailees. We were operating with detailees in the Counsel's Office as well.

Question. Okay. And so this was because of the 25 percent personnel cuts you were utilizing detailees as opposed to regular employees?

Answer. No. As I understand it, it had been a practice in all administrations to use detailees. I mean, I know from detailees that were on hand when we got there that the Bush administration had used detailees as well.

Question. In the Personnel Security Office?

Answer. I don't know the answer to that, but they had used them in the Counsel's Office, for example.

Question. Do you know any of the other detailees who were in the Personnel Security Office?

Answer. I met them. I can't remember their names right now. If you refresh my memory in some form or fashion, I could probably identify them. But you know they rotated in and out.

Question. No, I didn't know.

Answer. Oh, yes, you do. They rotate in and out, detailees come over—

Question. I didn't know that there were other detailees in the Personnel Security Office. Do you have any other information to that effect?

Answer. As far as I know, there were. Okay? But they rotate in and out. They serve usually a term of months.

Question. Okay. And were these nonreimbursable detailees, usually, that the White House didn't have to pay for them?

Answer. I don't know if you could say the word "usually," but in some cases they were nonreimbursable, yes.

Question. Okay. Do you know what Mr. Marceca was hired to do in the Office of Personnel Security?

Answer. Well, he was hired to help, first and foremost. Craig thought he would be particularly helpful with regard to the military personnel, of which there are a ton that have access to the White House complex.

Question. And do you know who Mr. Marceca was to report to?

Answer. When?

Question. While he was working at the White House?

Answer. Craig Livingstone.

Question. Was Craig Livingstone his supervisor?

Answer. Yes.

Question. What had Craig told you about anything he—how long he had known Mr. Marceca or anything about his personal relationship with Mr. Marceca?

Answer. I can't recall the specifics of it, but he said he had known Tony, that he had worked with Tony. I think he had mentioned that he had worked with Tony some in the Inauguration; mentioned that he was a criminal investigator for the Army. Again, that's the reason that he thought he would be of use with regard to security matters.

You know, that's basically it. I mean, he just said that he had worked with him before and had a high opinion of him. You can boil it all down to that. And that Tony wanted to come.

Question. Okay. Were you aware that Mr. Marceca had a political background also?

Answer. Other than the fact I remember Craig said that he had helped some in an Inauguration event. But the answer is, no, I don't think I knew at the time that he—I think I reviewed a resume which said that he had Hill experience, if I remember correctly. He had worked for some subcommittee. Okay? What's the definition of "political"?

Question. Did you have any knowledge of him working on campaigns?

Answer. I don't think so at the time.

Question. And you said Mr. Marceca did provide you with a resume?

Answer. I think Craig did. I don't remember Tony handing me a resume. I think Craig did.

Question. I am showing the witness a letter which is CGE 43823. It's an April 5th, 1993 letter to Secretary of Defense Les Aspin from Mr. Kennedy.

Directing your attention to the second paragraph of the letter, second sentence in that paragraph, it says: "I have learned of Agent Marceca's unique investigative abilities and background and would greatly appreciate his full-time assistance here."

Answer. Uh-huh.

Question. Do you know where you had learned about his abilities and background?

Answer. It would have come from Craig or the resume.

Ms. COMSTOCK. I will make this Exhibit 1.

[Kennedy Deposition Exhibit No. 1 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Did you consult with anyone else at the White House about detailing Mr. Marceca?

Answer. I do not recall doing so, no.

Question. Do you recall how you learned that Secretary Aspin was the individual to write to in this matter?

Answer. No, I don't recall the details of—other than this was the procedure that you had to go through to get somebody detailed from a military background. I don't remember who told me that or what the story was, but this is what you had to do.

Question. Do you know if someone drafted this letter for you?

Answer. Either I wrote it or I asked Craig to write it for me. I can't remember.

Question. Okay. Did you have a secretary at the time?

Answer. I did not.

Question. All right. Did you usually type your own work?

Answer. I did.

Question. Do you know if Craig usually typed his own letters?

Answer. I can't answer that. I don't know quite how Craig did his document crunching. I just don't know.

Question. This is CGE 43821, which is an April 6th letter from David Allen to Mr. Kennedy. Basically, it's a recommendation letter for Mr. Marceca. Did you have an understanding—using this letter to refresh your recollection, did you have an understanding of Mr. Marceca's level of ability given this recommendation?

Answer. Did I have an understanding?

Question. Yes.

Answer. I don't understand your question.

Question. I am just wondering, did you consider him a low-level clerk, for example?

Answer. Well, I don't know—I don't know. When? I mean, are we talking about the work that he did where he was?

Question. I am talking about who you were under—for the position you were hiring him for, did you have an understanding of what his abilities were, whether they were of a low-, medium- or high-level of ability in this area?

Answer. I'm—I must—my brain must not be working today. I am sorry. I don't understand what you are asking. Are you asking—look, at this point in time, if this is what you are asking, he is not here yet.

Question. Okay. Well, in seeking somebody to assist Mr. Livingstone, were you seeking a low-level person who had no knowledge of how to do this job or were you seeking someone who had some knowledge and ability in this area?

Answer. I was responding to Craig's request. I didn't know Tony Marceca from Adam. Okay? Period.

I mean, I had—until Craig said, I need help—which I knew—and I have someone in mind, I had never heard of this individual. Okay?

Craig, who I had confidence in, comes and says, I think this guy is a good hand. I don't know how to answer it any better than that.

Question. Did you want Craig to find someone who had some experience or abilities in the area that he was going to be assisting Mr. Livingstone in?

Answer. Well, I would—certainly, I would hope that Craig would get good help. I would certainly hope that. I mean, it would be dumb for Craig not to want to get good help.

Ms. COMSTOCK. This is CGE—I will make this April 6th letter Exhibit 2. That's CGE 43821.

[Kennedy Deposition Exhibit No. 2 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. This is an April 13th letter, again, to Secretary of Defense Les Aspin from William Kennedy and the subject is requesting Mr. Marceca as a detailee. It is CC'd to David Allen and Commander Peter Berry. That's CGE 43816.

This letter, directing your attention to the second paragraph, you had requested that the detailee, Mr. Marceca, begin on April 12th, 1993, for 6 months. Do you have—

Mr. COFFIELD. It's the same letter as Exhibit 1.

Ms. COMSTOCK. But it is a different date.

Mr. COFFIELD. Yes.

EXAMINATION BY MS. COMSTOCK:

Question. Do you have any knowledge as to why Mr. Marceca was not detailed in April of 1993?

Answer. No. I mean, it had something to do—I just don't remember the details. It had something to do with where he was employed. I mean, either they couldn't free him up or they didn't want to or we couldn't break the bureaucratic logjam or something. I don't remember the details.

Question. Okay. Were you aware at that time in April of '93 or thereabouts of any problems in Mr. Marceca's background that would—that anybody flagged for you as to why he shouldn't be coming to the White House to work in this position?

Answer. No.

Ms. COMSTOCK. I will make this April 13th letter Exhibit 3.

[Kennedy Deposition Exhibit No. 3 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. CGE 43814, it's a June 22nd, 1993 letter to Colonel Michael Sherfield, Executive Secretary to the Secretary of Defense, from Mr. Kennedy, again, and it's a request for Mr. Marceca to be detailed to the White House.

Directing your attention to the first paragraph, it says: "Craig Livingstone has requested that Special Agent Marceca be detailed to the White House for 6 months at the executive level."

Do you have any idea approximately what pay level Mr. Marceca was going to be detailed to the White House at?

Answer. No.

Question. Do you have any recollection of what Mr. Livingstone was being paid at the time?

Answer. I don't remember precisely. I mean, I think it was—I just don't remember. I think it was like \$50,000 maybe. But that's a guess on my part. You would have to refer to the personnel records.

Question. And do you have any recollection of his—the assistants he had in his office, what their pay level was?

Answer. Again, these are guesses, which I know I'm not supposed to do, but the short answer is, I think they were in the mid-20s, but I don't know. I just don't remember.

Question. Okay. Again, do you recall if you typed up this letter or put the information in this letter?

Answer. Either Craig did it for me or I did it. And it's entirely possible that Craig brought me a draft which I marked up, you know, redid. I just—I'm sorry. I don't recall exactly how that happened.

Question. All right. Outside of talking to Craig, had you obtained any—and meeting Mr. Marceca, had you obtained any other information about Mr. Marceca prior to requesting him to be detailed to the White House?

Answer. No.

Question. Do you recall any discussions during this time frame in the spring/summer of 1993, regarding getting Mr. Marceca to come over to the White House?

Answer. The time frame again?

Question. The spring and summer of 1993. And if it assists, he did not get to the White House apparently until August 18th, 1993.

Answer. As I said, there were summaries and the details of which I cannot recall, that he couldn't be detailed immediately. And I don't remember what they were. Craig continued to work at it, you know. He still thought—had a high opinion of Tony, and this subsequent letter is, you know, another attempt to break whatever the bureaucratic rules there were to get Mr. Marceca detailed over.

Ms. COMSTOCK. I will make that June 22nd letter Exhibit 4.

[Kennedy Deposition Exhibit No. 4 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. This is CGE 43812, an August 5th letter for associate—for Associate Counsel to the President, which I believe was probably directed to you, regarding your request for the detail of Special Agent Marceca. This memo says: Your June 22nd request for Mr. Marceca on a 6-month nonreimbursable basis was approved.

Do you recall having any conversations with anybody around this time frame?

Answer. I don't. I know at some point somewhere along this odyssey of getting him detailed, I think I spoke with somebody in the chain of command for Tony, and I can't remember who. I can't remember the substance of the conversation other than it was—whatever was holding him up in terms of a detail, it had been resolved. I can't remember anything more than that. So we fired a second letter off.

Ms. COMSTOCK. Okay. When Mr. Marceca arrived at the—I will make this August 5th memo Exhibit 5.

[Kennedy Deposition Exhibit No. 5 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. This is CGE 43810. Could you describe—this is a form entitled: "White House Office, Personnel From Other Agencies." It's dated February 28th, 1994. The signature of the White House approving official is Mr. Kennedy. At the top of it, it says: "This is to request that the following individual perform duties at the EOP complex." And the name of the person requested is Anthony Marceca.

Answer. Uh-huh.

Question. Was this a form to extend Mr. Marceca's detail at the White House?

Answer. This is a form to commence the seeking of him as a detailee.

Question. This was in 1994.

Answer. I understand, but that's—I mean, either this paperwork wasn't filed when it was supposed to—actually, what this is—you have it exactly right and I am wrong, and for that I apologize. This is a form that has to do with extending him as a detailee, I believe. And it's also, if you noticed, it says, start reimbursement.

If he had been extended as a detailee, the White House would have had to make him a reimbursable detailee beyond his 6 months, if I remember the way the system worked.

Question. Okay. So this form represents an attempt by the White House to keep Mr. Marceca at the White House beyond the 6-month detailee position?

Answer. That's what it appears to be, yes.

Question. Do you recall the circumstances surrounding trying to get that extension?

Answer. I think—I know Craig wanted to keep Tony Marceca there. You know, I don't know whose handwriting this is, but somebody, either Craig or somebody, would have brought me this form, which I signed. I know Craig wanted to keep him there.

Question. Okay. Now, we have been informed by the White House that he did leave sometime in February of '94. Do you know why he was not retained at the White House?

Answer. Well, I don't remember the timing involved. Okay? I simply do not know exactly when things took place. But if I remember correctly, there were two things that sort of impacted on this. One of which is that the White House, I don't believe, wanted to pick up paying for him. That's number one.

Number two, Tony's background had come in and there were some problems revealed with it that made me think it might be better if he kind of went back to where he was.

Question. Okay. So his background had not come in prior to him coming to the White House in August of 1993?

Answer. That's the way it always worked.

Question. Had any paperwork on his background been transferred to the White House prior to his coming to the White House in August of 1993?

Answer. I can't answer that. I don't know. Okay? I don't know. I don't know if—you know, what the status of paperwork was on him. The background I am referring to is the background that was performed on him so that he could have continued access at the White House.

Question. Okay. And you recall learning of—we are not going to go into these problems. I understand the situation there. But you did not learn of any problems in Mr. Marceca's background until sometime in 1994?

Answer. Again, don't hold me to the time. I simply don't recall. I don't—if I remember correctly, that background took a while to come in. I don't know why. And I don't know the timing. I simply don't know. Okay?

When it did come in, there were some problems, which I can't talk about, and the detail kind of ran its course. If I remember correctly, we encountered resistance, and the two things together, we decided it was best for him not to stay on.

Question. Can you describe what kind of resistance you encountered and where that came from?

Answer. I am talking about the reimbursement.

Question. Now, was that the only resistance that prevented him from staying on then as opposed to the background problem?

Answer. Well, I mean, it's sort of a seamless web. I mean, you know, it's kind of hard to—I don't remember the specifics of it. I don't remember the timing involved. This form indicates it was somewhere around this period of time, but the bottom line is, is that you take everything in conjunction and it just made sense to return him to where—back to the Army.

Question. Now, do you recall whether or not you learned about these problems in his background before or after February 28th, 1994, which is the date that this form is indicating you had signed off on him requesting he stay on as a detailee?

Answer. I am sorry. I cannot help you with the times. In other words, I don't know when his FBI background came in. I am sorry. I cannot remember.

The problems in his background were not problems that would have led to a termination sort of on the spot. They were not those type problems, period. But when it came time for his 6 months to be up, that, in conjunction with what I was referring to, if I remember correctly, the White House didn't want to pick up paying for him, for whatever reasons. He just went back.

Question. Okay. So you can't separate out which was in terms of—when you signed this form, you don't know whether or not you knew about the problems in his background?

Answer. I am sorry. I probably did. Okay? But I absolutely don't want to be held to that because I simply can't recall. But I probably had the background in my possession at that point in time, probably.

Ms. COMSTOCK. Okay. We are making CGE 43810, that extension of Mr. Marceca's detail, I guess a request form, has been made Exhibit 6.

[Kennedy Deposition Exhibit No. 6 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. During the 6 months while Mr. Marceca was at the White House, were you aware of what he was working on?

Answer. With particularity, no.

Question. Okay. In a general sense?

Answer. He was helping Craig, helping that office.

Question. Okay. Did Craig report to you at all on what Mr. Marceca was working on?

Answer. I do not recall him doing so. I don't believe that he did.

Question. Do you know if there were any other Army people detailed to Craig's office?

Answer. There may have been. I am sorry. I simply don't recall.

Question. Did there come a time when you learned that Mr. Marceca was working on something called the Update Project?

Answer. Well, I mean, obviously I have heard about it now from press reports. I would not have been surprised in the least if Craig had put him to work on that. As I have testified earlier, just a minute ago, I don't recall Craig talking to me with specificity about what Tony was doing for him.

Question. Did you have any knowledge about the need to obtain the previous FBI reports of holdover employees?

Answer. Yes.

Question. Could you describe your knowledge of what you needed to do in that area?

Answer. Well, we had learned—we collectively, Craig and I had learned, that the personnel files of everybody in the Bush administration were gone. They were considered presidential records and they had—they were gone. And so people that were employed by the Bush White House, is a better way to say it, is in the Executive Office of the President, who had access to the White House, there were hundreds and hundreds of them that had continued access but no files. So the files had to be reconstructed.

Question. Okay. What was your understanding of what needed to be done in that area?

Answer. Unfortunately, it's just what I said. The files needed to be reconstructed. We had to get background information on them, you know, through SF-86; tax checks were run on them and then depending on the cycles involved, we had to get copies of their FBI backgrounds.

Question. And did you instruct Craig Livingstone to get that done?

Answer. Uh-huh. I mean, it was part of his job.

Question. And do you know how he went about doing that job?

Answer. With specificity, no.

Question. Do you have a general idea of what he did in that job?

Answer. Just what I told you.

Question. Did you know that Mr. Marceca was working on that matter?

Answer. Not—it wouldn't surprise me. I do not recall Craig specifically saying, I have got Tony doing X, Y and Z. But I am sure there were other people working on that project as well.

Question. Did Mr. Livingstone ever write memos or updates to you on work that was being done in his office?

Answer. From time to time, he did.

Question. Okay. Can you describe if he ever wrote any memos on the Update Project and what was being done on the Update Project?

Answer. I don't recall any such memos. I mean, most of my communication was verbal.

Question. What was your understanding of the extent of holdover employees at the White House?

Answer. What do you mean by extent?

Question. Who was held over at the White House?

Answer. Hundreds of people.

Question. Okay. And what type of employees were those?

Answer. All sorts, I mean from A to Z.

Question. Groundskeepers?

Answer. From groundskeepers to—

Question. GSA?

Answer [continuing]. To telephone operators, to people that worked in the Situation Room, to telegraph operators. You name it, they were there.

Question. Okay. Do you know if any people in the Communications Office were holdovers?

Answer. I presume they were, but I don't know.

Question. Okay. Dee Dee Myers' office, I am talking about.

Answer. Were there holdovers in Dee Dee Myers' office?

Question. Yes.

Answer. I don't know. I can't answer that with specificity.

Question. Do you have a general understanding of, say, George Stephanopoulos and Dee Dee Myers kept on any of Marlin Fitzwater's staff?

Answer. I am not splitting hairs with you but when you get into questions when we talk about staff, for example, I don't believe that they did, particularly in sort of a decision-making capability. But whether or not there was in the Communications Office, for example, a specified telephone operator that held over, I don't know. I can't answer that.

Question. Okay. But aside from maybe a few low-level staff, did you have any—a general understanding of whether or not people, say, in the Communications Office were new employees or holdover employees?

Answer. For the most part, people that worked in the West Wing would be new employees.

Question. So, say, in the policy offices, West Wing offices, Chief of Staff's office, most of those people would be new employees?

Answer. Uh-huh.

Question. Mr. McLarty didn't hold over any of the Chief of Staff's staff from—

Answer. With the same caveat I just gave you.

Question. With a secretary or two?

Answer. With the same caveat I just gave you, most of the people would be new hires.

Question. Okay.

Answer. Now, if you go to the OEOB, that's not going to be a true statement. But there you have it.

Question. Okay. Were you aware of the First Lady's Office retaining any of Mrs. Bush's employees?

Answer. Well, I mean, were there ushers that carried over? You bet. Were there—

Question. I am talking about the First Lady's personal office.

Answer. No, I don't believe anybody did.

Question. Were you ever given any information about what type of lists anyone was supposed to work from to obtain information for passes?

Answer. Well, there were, you know, a number of lists, you know, mostly—they were compiled from the Secret Service and—there were lists. I don't know how to answer it any better than that.

Question. What is your knowledge of these lists?

Answer. Well, I mean, there's—there's—you know, there's a list of people that have passes. There's a list of people that have temporary passes. There's a list of people that have access, list of people who don't have access. I mean, it just goes on, and on, and on and on.

Question. Do you have any knowledge as to what lists that Craig Livingstone was working off of in working on this Update Project?

Answer. No.

Question. Just so we can be clear, you did have a general understanding that Craig was trying to obtain these files of the holdover employees?

Answer. He had to.

Question. Okay. And you had instructed him to do so?

Answer. The short answer is, yes. But that was his job. That's what he was there for. And it was—it had to be done.

Question. Did you ever talk to Mr. Bourke at the FBI about obtaining these files, anything Craig was working on in relation to this?

Answer. What are we talking about? Craig's stuff?

Question. Yes.

Answer. Yes. I talked to Mr. Bourke almost every day. Okay?

Most of what I talked to Mr. Bourke about was what I was doing, which is presidential appointees, PASs and PAs and whatnot. But when, for example, when I first got there, I met with Mr. Bourke and some of his staff and they talked about, and we talked about, how the process worked; what he expected from us, what I expected from him; how it was supposed to work. Mr. Bourke was an excellent public servant. He was very helpful and we had a good working relationship.

Most, as I said, of what I talked to him about concerned presidential appointees and PASSs, but it also—we also interfaced from time to time with regard to people who had access to the White House; rarely but some.

Question. Okay. At or around late 1993, November/December time frame, did Mr. Bourke or anybody from the FBI ever tell you about a large request for—from the White House Personnel Security Office for files of previous Bush or Reagan employees?

Answer. No, did not.

Question. Did anybody ever mention anything about there had been an unusually large volume of requests of previous reports from the FBI?

Answer. Did not.

Question. Did Craig Livingstone ever tell you anything about files being obtained of Reagan and Bush officials from the FBI?

Answer. Well, I mean, if you characterize it in terms of doing what we were doing, I mean, I talked to Craig about that. I mean, that's—we had to replace these files. We had to rebuild the personnel files on people who had continued access to the White House.

Did he—I mean, did I know that files of inactive people were being requested? I did not. Did he ever discuss that with me? He did not.

Ms. COMSTOCK. I am showing the witness CGE 43641 through 42, which is a memo from the White House to the FBI liaison from Bernie Nussbaum. The subject is FBI investigations. It's dated December 20th, 1993, and the subject's name is Billy Ray Dale and the request was for a copy of previous reports. It says, the person named above is being considered for access.

EXAMINATION BY MS. COMSTOCK:

Question. Have you ever seen this request form before?

Answer. When these press reports hit, Bernie Nussbaum faxed me a copy of that. And the answer is, until he did that, I had never seen this before.

Question. Did Mr. Nussbaum talk to you about this form and how it came to be—previous reports came to be requested?

Answer. Huh-uh. He didn't know anything.

Question. Can you just describe how he came to fax this to you?

Answer. When the first press reports hit, Bernie called me and asked me, basically, one question, which was—

Mr. STROMAN. Excuse me just one second, Ms. Comstock.

About what time frame is this, approximately, just approximately?

The WITNESS. Whenever the first press reports were on this request, which is the Billy Dale request.

Mr. STROMAN. Right.

The WITNESS. Whenever they first occurred.

EXAMINATION BY MS. COMSTOCK:

Question. You mean in the past several weeks?

Answer. Yes, within the past week or so.

Mr. STROMAN. All right.

The WITNESS. I mean, within 2 weeks, 3 weeks, whatever. And he simply said, I am being asked questions about this. What do you know about it?

I said, I don't know anything about it.

And he said, did we ever discuss this?

I said, no.

He said, I have got this form.

I said, Bernie, what in the world are you talking about?

He said, I am going to fax it to you, and he did.

Okay? And that was the substance of our conversation. And he was wanting to put a statement out, which he subsequently did.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. So prior to these press reports in the past month or so, you had no knowledge that Mr. Dale's file had been requested?

Answer. That's correct.

Question. All right. And prior to the press reports and, I guess, the more recent reports in the past week or so that there were 400-and-apparently-climbing number of files that have been obtained from the FBI of people who were not supposed—the office—the White House was not supposed to be getting their files, did you have any knowledge of those 400-plus files being obtained?

Answer. I did not.

Question. Okay. Have you discussed with anyone at the White House since then how this came about?

Answer. The only discussions I have had with the White House have been they called and asked—you know, they called my counsel and asked if I would put a statement out, which I did.

Ms. COMSTOCK. I will make this, Mr. Dale's form to the FBI, I will make that Exhibit 7, CGE 43641.

[Kennedy Deposition Exhibit No. 7 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. Okay. This is a June 14th, 1996 statement of William Kennedy. Is that the statement you were just referring to, Mr. Kennedy?

Answer. Yes.

Question. Okay. And do you recall who called you from the Counsel's Office?

Answer. Sally Paxton.

Question. Okay. What did Ms. Paxton ask you?

Answer. If I would put a statement out.

Question. Okay. And did you tell her what the statement would say?

Answer. Basically, yes.

Question. Did Ms. Paxton give you any information about any knowledge she had about how these files had been obtained?

Answer. She did not.

Ms. COMSTOCK. June 14th, 1996, which reads: "During my tenure as Associate Counsel for the President, I can state unequivocally that I never obtained, never directed anyone else to obtain, never disseminated or asked anyone else to disseminate any FBI background information for any person for any improper purpose whatsoever. Further, I have no knowledge of any other person associated with the White House of engaging in any improper use of information from FBI reports."

[Kennedy Deposition Exhibit No. 8 was marked for identification.]

Mr. STROMAN. June 14th?

Ms. COMSTOCK. June 14th, 1996, which reads: "During my tenure as Associate Counsel for the President, I can state unequivocally that I never obtained, never directed anyone else to obtain, never disseminated or asked anyone else to disseminate any FBI background information for any person for any improper purpose whatsoever. Further, I have no knowledge of any other person associated with the White House of engaging in any improper use of information from FBI reports."

That's the end of the statement.

EXAMINATION BY MS. COMSTOCK:

Question. Could you define what you mean by "improper purpose"—

Answer. Misuse.

Question [continuing]. In that statement?

Answer. Misuse.

Question. Okay. Or improper use of information?

Answer. Misuse.

Question. Did anyone—while you were at the White House, did anyone ever tell you anything about Craig Livingstone referencing information that was in their background files in a way that they thought might not be appropriate?

Answer. No. I don't recall anyone doing so, huh-uh.

Question. Were you ever aware of him making comments to individuals, I guess maybe in—not just to the individual directly involved but in the company of numerous individuals, making comments about somebody's background in the company of others?

Answer. No, I don't think Craig ever did that. I have no knowledge of it. I don't think he did that.

Question. This is a Time Magazine article from yesterday, dated June 24th, 1996. I am directing your attention to the second page.

Answer. I have never seen this before.

Question. Would you like an opportunity to look at it?

Answer. I am just telling you, you are handing me something I have never seen before.

Question. Sure. If you would like to take some time to look at it.

Answer. Do you want me to read the whole thing?

Question. Just whatever you would like to look at, Mr. Kennedy.

Answer. Rather than me take the time to read this entire article, what questions have you got?

Question. Okay. In this article, there are three former Clinton staff members who allegedly told Time Magazine that Mr. Livingstone was in the habit of, quote, "insinuating that he had read their security files. The message, they contend, was that Livingstone knew all about their peccadillos but their secrets were safe with him." Did you ever hear about anything like that?

Answer. Without having read the article, I am willing to bet you that those people's names are not in this article.

Question. No, they are not, you are correct. I am just asking you if you have ever heard anything like that from anybody at the White House?

Answer. No.

Question. Thank you.

Did you ever discuss with Mr. Livingstone what the proper or improper use of FBI background information was?

Answer. The short answer is, yes. I mean, Craig knows, just as I know, that you cannot discuss people's backgrounds, except under the most limited of circumstances. You can't make improper use of them. And I don't believe he did.

Question. Okay. I think when we may have been previously discussing the background investigations that were done of the new staff at the White House, you said that Mr. Livingstone adjudicated and read through most of those files.

Answer. Uh-huh.

Question. Do you have any knowledge of whether or not Mr. Livingstone read through the files of the holdover people that were coming into his office?

Answer. As far as I know, he did. You say the holdover people?

Question. Yes.

Answer. In other words, people that had access to the White House that were there crossing over the administrations?

Question. Yes.

Answer. Yes, I would presume that he did.

Question. Okay. So in regard to these previous reports that Mr. Livingstone—that his office was seeking to—for the replacement files, your understanding was that he would review those files also?

Answer. Yes. I mean, that's what he was supposed to do. That was the purpose in getting them.

Question. Okay. Now, you have testified that you did not know anything about these 400-plus files of former Reagan and Bush officials being obtained by the White House. Did you know anything about any files whatsoever being archived of hold—of any type of holdover employees, regardless of who they were, during your tenure at the White House?

Answer. When you use the word "archive," what do you mean?

Question. Why don't I back up a little. Did you ever talk to Craig Livingstone about archiving any of the files that he had at the vault?

Answer. All right. When you talk about archiving, what are you talking about?

Question. Okay. Well, why don't you explain to me what your understanding is about the archiving of FBI background files.

Answer. Well, when you put them in the vault, they are archived. I don't know what you are driving at. I am sorry. I really don't.

Question. Okay. Do you know anything about any of—any files ever being removed from the vault and being put elsewhere in any type of White House archives?

Answer. From press reports, I have learned that supposedly, and this is only from press reports, when Tony left, someone came, said, we don't need these and sent them to the archives. I don't know any more than that. Solely from press reports.

Question. Okay. And by "Tony," you are referring to Tony as Mr. Marceca?

Answer. Uh-huh.

Question. While Tony was at the White House, were you aware of any problems in his work while he was at the White House?

Answer. No.

Question. Okay. Mr. Livingstone never alerted you to any concerns or problems that he had with Tony?

Answer. I don't recall if he did, no.

Question. Did anybody else at the White House ever alert you to any concerns or problems that they had with Tony?

Answer. No. I don't recall that they did.

Question. Could you describe the process by which Mr. Livingstone, when he flagged the files for you, that he forwarded to you, how would—I guess there have been reports, the derogatory information that would be in such files, could you describe how that was presented to you?

Answer. Ninety-nine times out of 100, he would put a Post-it by the section of the person's FBI background that he thought I should look at; that was problematic. In other words, he would say, here are problems, and he would put a tag by what he thought revealed that problem.

Question. And was it your understanding that he would do this also for any of the holdover files that there were problems for?

Answer. Well, any problem that he thought needed to—or rose to the level of my attention, whether it was a new White House access or a holdover, he would handle it basically the same way.

Ms. COMSTOCK. Did you want to ask some questions? I am not finished but if you would like to ask some questions.

EXAMINATION BY MR. STROMAN:

Question. My name is Ron Stroman. Hello, Mr. Kennedy. How are you today?

Answer. Fine, Ron. How are you? Every day is a holiday.

Question. I have just a couple of questions. The reconstruction of files, did you have any discussion with anyone in the Bush administration about the process for file reconstruction?

Answer. Jane Dannenhauer and Nancy Gemmell, who were employed in that position of the Office of White House Personnel Security, for the Bush administration.

Question. Do you remember what Jane Dannenhauer said to you or what the general thrust of the conversation was?

Answer. Well, they were very nice. They were very professional and they were very helpful. The purpose of talking to them was to reconstruct the procedures.

Question. Right.

Answer. You know, how did they do things; where were things—I mean, it was as elemental as it could be. Where do these go? How did you all handle things?

Question. In those conversations with Jane Dannenhauer and Nancy Gemmell, was Craig Livingstone in those conversations?

Answer. Uh-huh.

Question. So the conversations with you, Craig, Jane and Nancy, was it several conversations?

Answer. It was a multiplicity of conversations, particularly when we first—when I first got there. I mean, you know, something—most of the time Craig would be there. You know, every once in awhile I would be there and he wouldn't, if he was off doing something, or vice versa. But it was trying to find out what was going on.

Question. Did you think you had a pretty good grasp of the way in which the Bush administration handled file reconstruction?

Answer. The short answer is, I think we ultimately got there. I mean, when we first got started, I would say, no, but I mean we finally got comfortable with sort of the procedures we should be following.

Question. And with regard to your role in reviewing—well, let me just start with the process for requesting background information. Were you involved at all with the requests for background information?

Answer. Well, you have got to do—you have to do the same thing that I did with Barbara, which is there's two things going on in my life, one of which is White House access. The other is Presidential appointees.

Question. Right.

Answer. I was very much involved in requesting backgrounds on Presidential appointees. Craig's office did White House folks.

Question. All right. Other than Craig Livingstone, did you have any discussions with anyone else in the current administration regarding the manner in which file reconstruction would take place?

Answer. I don't recall doing so, other than, you know, from time to time, you know, telling Bernie, for example, or, you know, maybe Vince Foster, after his death Joel Klein, you know, that we were working on things, we were making progress, we were having problems but nothing—you know, I don't recall ever discussing the details of how that process worked with anybody other than Craig.

Question. Did you ever have an opportunity—were you ever made aware of the fact that there were, that there were files being requested—were you ever made aware, while you were there working in the White House, that there were files being requested on people who no longer were there from past Bush and Reagan administrations?

Answer. That files were being requested by people who had worked—

Question. Yes.

Answer. Yes. Of course, I knew that. That was sort of the holdover project.

Question. Yes.

Answer. Right.

Question. Were you ever made aware of the fact that there were files being requested on people who were no longer—who were not simply holdovers?

Answer. No. I mean, I did not know that that was happening.

Question. And the first time you found out that was happening was when?

Answer. Press reports 2 weeks ago, whenever this first started.

Question. Let me just—you have talked about this but let me just go back for a moment to the Nussbaum—the fax that you received from Mr. Nussbaum. Again, can you just run through the circumstances under which you received that fax?

Answer. Bernie wanted to put a statement out, because—as I understand it, now, I wasn't there, but the press was after him. And he wanted to be sure that his statement was accurate. Of course, he knew that I was in the counsel's office in this process. And so he called to say, these are the press reports.

There's a form with my name on it, you know. What's the story? I said, I have no idea. He said, did we ever discuss this? I said, no. He said, what can you tell me about this form? And I said, Bernie, I don't have it. You know, I can't answer questions about it.

He said, I am going to send it to you. And so he put a statement out, and that's basically it and he subsequently put a statement out. I have never seen it but press reports tell me.

Question. Do you know how Mr. Nussbaum had a copy of that form?

Answer. I do not.

Question. You did not ask him how he got it—he had a copy of it?

Answer. No reason to.

Question. All right. Your statement that you made, you have testified that you got a call from Sally Paxton.

Answer. I testified that my counsel did.

Question. I am sorry. Your counsel got a call from Sally Paxton. And have you had any discussions with Sally Paxton directly about your statement?

Mr. COFFIELD. Let me just clarify this.

Mr. STROMAN. Sure.

Mr. COFFIELD. The conversations regarding his statement were between me and Sally Paxton.

Mr. STROMAN. Okay.

EXAMINATION BY MR. STROMAN:

Question. I think you have testified that you knew generally what Mr. Marceca was doing but you did not know specifically what he was working on with Mr. Livingstone. Is that accurate?

Answer. Yes. I mean, he was generally there to work in that office and help that office function. That's what he was detailed to do. What he did in that process, I don't know.

Question. Okay. So is it your—did you ever have any discussions with Mr. Marceca about the work that he was doing in that office, that you can remember?

Answer. On a substantive basis, no. I mean, you know, Tony would bring pieces of paper up. I mean, he was working in that office, you know, and I would say stuff, like, Tony, how are you doing? How is it going? Fine. But on a substantive basis, no.

Question. If there were problems with specific background—if, say, Mr. Livingstone had spotted a problem in somebody's background file, he would then forward that file to you?

Answer. He would usually bring it to me or else he would call and say, I need to talk to you, and sometimes I would go down there. It depends on what was going on.

Question. And what would you do?

Answer. Look at whatever the information was and make a decision about what to do.

Question. When you say "look," "make a decision about what to do," what were the options that you had?

Answer. Well, unfortunately, that's a complex—there's not an easy answer to that. It depends on the substance of the information, where that person was employed, what that person was doing, what that person's status was. I couldn't give you, Ron, an easy answer to that.

Question. All right. That's fine. Were there ever times when problems came up that you needed to talk with someone else to get what you thought was a resolution to that problem?

Answer. Again, I want to restrict this answer just to White House access.

Question. Right.

Answer. Every once in awhile a problem would come up where there was no clear answer about what to do, and I would discuss it with my superiors in the counsel's office. And every once in awhile, the conclusion would be reached that I should go and discuss these problems with that person's superior. So that happened from time to time.

Mr. STROMAN. Barbara, that's all the questions I have.

EXAMINATION BY MS. COMSTOCK:

Question. Okay. In the past month or so, has Craig Livingstone contacted you at all about this matter?

Answer. He has not.

Question. Showing the witness a 4-page statement of Mr. Anthony Marceca, and directing your attention to, I guess it's paragraph number 5, which is on page 2, Mr. Marceca writes, it was my understanding that every person on the lists from which I was working was properly included on the lists because they had a legitimate need for access to the White House complex.

Do you have any knowledge who gave him—Mr. Marceca that information?

Answer. What information?

Question. That the lists that he was working off of were all of people who had a legitimate need for access to the White House complex.

Answer. No.

Question. All right. Did you ever instruct Craig on where to get lists or anything about lists, or where he might find any lists?

Answer. I mean, the short answer is, no. I mean, the—the gatekeeper over there getting in the building is the Secret Service. So that's where presumably lists come from.

Question. So this was Craig's job to determine what were the appropriate lists to use on this project?

Answer. Say that again?

Question. Was it Craig's job to determine what were the appropriate lists to use on this project?

Answer. Yes. I mean, if you read up higher in his—in paragraph 4 of his statement, page 2, it says, the employee who is retiring showed me the various lists for names for which personnel security files needed to be created, and he goes on to say, I understood these computerized lists come from the United States Secret Service.

Question. Okay. Do you know what the various lists that he was working from were? Did you ever see any of the lists when you were down in the office?

Answer. Well, yeah, I have seen them. I mean, they are huge computer printouts, huge. And as I said, there's like, as I understand it, a bunch of them. I mean, there's, you know, people that have daily access, people that have passes, temporary passes, inactives, all this kind of stuff.

Question. Okay. And, to your knowledge, was Mr. Marceca reading through these previous reports that he was obtaining?

Answer. Again, I don't know. I cannot testify with precision about what Tony did on a day-to-day basis. I just don't know.

Question. I know you have testified that Mr. Livingstone did not tell you about these files. But could you tell us if Mr. Livingstone had come to you when he learned that these files, or if anyone at the White House under you was handling these files had come to you to tell you that they had, for whatever reason, obtained FBI background files of people who were not working at the White House, could you tell us what you would have told them to do?

Answer. Well, I mean, I would have told them, obviously, to stop that immediately. As for—I would have had to seek guidance as to the proper disposition of these backgrounds that had been, I don't know what the proper term is, had been requested but shouldn't have been, because these people had no need for access. Remember, these are copies. These are not—a copy of each of these backgrounds resides at the FBI.

Question. I understand.

Answer. I am sure you do. So the question would be, do you return them to the FBI or do you dispose of them in another way, such as, you know, making it a part of the Presidential Archives or what? I would have had to seek guidance on that but I would have stopped it immediately.

Question. Did you ever have occasion, while you were at the White House, to have to send back a file that had been inadvertently requested for someone who was not going to be at the White House?

Answer. There were, for example—I am going to shift over to the—we had people that placed themselves in contention and were selected for a Presidential appointment and then dropped out of the process.

Question. Uh-huh.

Answer. In cases where a background had already been prepared and come in on them. They just decided they didn't want to do the job or something came up, family emergency or something. Okay?

Question. Yes.

Answer. And those files were sent down to Presidential Archives. Okay?

Question. But those were of people who you were considering for some position at least at some point?

Answer. That's correct.

Question. All right. And people like Marlin Fitzwater or James Baker were not among any of those Presidential appointment people?

Answer. No.

Question. You had mentioned when you were talking with Mr. Stroman that sometimes Tony would bring up some type of papers to you. Do you recall what kind of—what he would be bringing to you? Were they things—do you recall anything that he brought to you on the Update Project?

Answer. Huh-uh. I don't think he ever brought me anything on that. But, you know, if—if anything had to come out of that office, I mean, they would—employees would come up. Tony was sometimes one of them. I simply don't recall any specifics about that, but I was trying to give an accurate answer to Ron's question.

Question. Okay. Do you have any knowledge of how the document I have identified as Exhibit 7, which was the request for Mr. Dale's previous FBI reports, and I will state for the record, we—apparently there were 11 reports and letters and memos attached to this, that the White House had copies of. Do you have any knowledge of how these documents came to the attention of the counsel's office in the past year or so?

Answer. I have no knowledge of that.

Question. Okay. Have you had—you have not had any discussions with anybody about where these were at any point in the process—

Answer. No.

Question [continuing]. In the past year or two?

Answer. No.

Question. Have you discussed this matter with anybody else at the White House or any former employees other than Mr. Nussbaum?

Answer. I have not.

Question. Did you know who Lisa Wetzel was?

Answer. Lisa Wetzel was an employee in the Office of White House Personnel Security.

Question. Do you have an understanding of what she did in that office?

Answer. Not any more than I know what Tony did. I mean, she worked in the office. She worked in the process. What she did precisely every day, I cannot tell you.

Question. All right. Do you know who Mari Anderson is?

Answer. She is a former employee, and Lisa may be a former employee for all I know, but she worked in the White House Office of Personnel Security.

Question. Okay. Do you have any knowledge of what she worked on?

Answer. No. Same answer.

Question. And both Lisa and Mari were under Craig and reported to Craig?

Answer. That's correct.

Question. And do you know who George Saunders is?

Answer. George Saunders is a retired FBI agent who worked as a consultant to the White House on security matters.

Question. Could you describe what he did as a consultant?

Answer. If a problem, for example, surfaced in a person's background and we felt like it needed further investigation, we would employ George to conduct an interview of that employee, to flesh out that allegation, whatever it might be.

In addition in the early negotiation, George assisted us in procedures. You know, he helped us flesh out the procedures we should be following. That's basically it.

Question. Do you have any knowledge of whether or not he worked on this Update Project?

Answer. I do not. I don't believe he did but I have no knowledge of it.

Question. I just wanted to return, just a little briefly, generally to the Travel Office matter.

Answer. Oh, boy.

Question. Do you recall Craig Livingstone ever saying anything to you about he didn't think the FBI should be brought into dealing with the Travel Office?

Answer. No.

Question. All right. Did he ever participate in any meetings with you and Mr. Foster where he made any recommendations regarding the Travel Office?

Answer. No, not that I recall.

Question. During the time frame of the fall of 1993 into the winter and spring of 1994, do you recall that there were delays in obtaining White House passes for individuals, the new employees at the White House?

Answer. When you say, "delays"—

Question. Do you recall there being any problems in relation to obtaining passes for White House employees?

Answer. There were lots of allegations hurled around at that time about the pass process. Do I recall that? Yes, I do.

Question. And did Mr. McLarty ever talk to you about any of these matters?

Answer. When you say, "these matters," can you be more specific?

Question. About how the pass process was being handled in your office.

Answer. The short answer is, I don't recall him doing so. You know, he may have. He may have met with Bernie and communicated, you know, through Bernie. I simply can't recall. I don't remember ever meeting directly with Mack on this subject.

Question. Did Mr. McLarty ever talk to you generally about how the Office of Personnel Security was operating or handling security and background matters?

Answer. Well, when this—when this—these allegations started appearing about the pass process, there were inquiries from the Chief of Staff's office about, you know, how the process was operating and whether it was operating properly and how could it operate faster. I don't recall any of them coming from Mack McLarty.

Question. Okay. But there was somebody from the Chief of Staff's office who made an inquiry to you?

Answer. The short answer is, we talked to—we reassured them the process was working as it was supposed to. I simply can't remember who we talked to. I am sorry. I simply can't remember the person's name. It could have been Bill Burton or somebody working for Bill Burton who I think was around at this point in time.

Question. Okay. I am showing the witness an August 19, 1993, letter to Congressman Frank Wolf from Mack McLarty.

Answer. Oh, Congressman Wolf, yes.

Question. And the beginning of that letter it says, "To our knowledge, there have been no material changes in security procedures at the White House when compared to those of previous administrations. The security function as to personnel rests primarily with the Office of White House Personnel Security, which is under the direction of the Office of the Counsel to the President."

Does that refresh your recollection as to whether or not you talked to anybody in Mr. McLarty's office regarding how your office was functioning in general?

Answer. I have told you that we did. I can't remember who. Okay?

I mean, I don't remember discussing this directly with Mack McLarty, period.

Question. Okay. Another series of letters, this is from October 27th, another letter to Congressman Wolf from Mr. McLarty.

Answer. Oh, yes.

Question. And then a February 24th, 1994, letter, and essentially in all of these letters they do say that procedures are being handled in a timely manner.

Do you recall giving—did you ever give that information to anybody in Mr. McLarty's office?

Answer. Give what information?

Question. That these procedures were being—security clearances were being handled in a timely manner?

Answer. I mean, that's what was happening.

Question. Okay. And do you recall any discussions you had with Mr. McLarty about—

Answer. I stand by my previous testimony. I don't remember. It's possible but I do not remember discussing this directly with Mr. McLarty. I definitely discussed it with someone in the Chief of Staff's office.

Ms. COMSTOCK. Okay. I will make these three letters Exhibit 9.

[Kennedy Deposition Exhibit No. 9 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. And how long have you known Mr. McLarty?

Answer. A pretty good while.

Question. Is he a social acquaintance of yours from Little Rock?

Answer. That would be a fair way of putting it, yes.

Question. Have you known him for over 10 years?

Answer. Probably.

Question. Okay. Did you frequently talk with him when you were at the White House just in general, not particularly about this matter but in general?

Answer. No.

Question. And in—I believe it was in March of 1994, you were relieved of your duties in the area of White House passes; is that correct?

Answer. Uh-huh, shifted to other areas.

Question. And did Mr. McLarty talk to you about that at that time?

Answer. He did not.

Question. Did anybody in the counsel's office talk with you about that?

Answer. Lloyd Cutler.

Question. Okay. And what did Mr. Cutler tell you?

Answer. Because of the allegations that had been made regarding nanny taxes and whatnot, that they felt it was best if I took a lower profile function in the counsel's office.

Question. Okay. Did you ever talk to him at that time about anything having to do with Craig Livingstone being in that office and any problems that Mr. Livingstone had in handling the work load at that time in the March '94, spring '94 time frame?

Answer. That office was constantly swamped, period. And so I made sure that they were aware that the office had more work than it could do at that point in time.

Question. Were you aware of Mr. Cutler making any efforts to find out about how the Office of Personnel Security was operating at that time and who was in charge of things and how things were functioning?

Answer. He didn't ask me. I have no knowledge of that. You'd have to ask him.

Question. Who took over those duties after you were relieved of them?

Answer. Who took over what duties?

Question. Overseeing the Office of Personnel Security?

Answer. Beth Nolan.

Question. And did you meet with Ms. Nolan and explain to her this office?

Answer. Yes. Yes.

Question. And were you—did Ms. Nolan ever tell you about any problems that she had with Mr. Livingstone or the operations of that office during the time she was overseeing it?

Answer. Not that I recall with specificity, huh-uh.

Question. Do you have any general recollections of any problems that she may have raised with you?

Answer. The one thing that I told her is that the office was swamped; I mean, that they were drowning in paper down there and that she had to be assisting, she had to help fight the bureaucratic battles necessary to get the people in there to get the job done.

Question. And are you aware of additional staff being put in that office at that time?

Answer. At that point in time, I quit overseeing that office in any way, shape, or form so I can't answer that. I don't know.

Question. Okay. Were you and Ms. Nolan office mates in the same suite?

Answer. Uh-huh.

Question. Okay. That is the extent of your knowledge of what went on in that office?

Answer. Yeah. I mean, I basically started doing other things.

Question. I am showing the witness BFF 1067 through 1068. Do you recognize that handwriting?

Answer. No, I do not.

Question. Okay. Do you know who Guy Caputo is?

Answer. No, I do not.

Question. Or Mr. McGaw?

Answer. I think Mr. McGaw at one point he was employed by the Secret Service. He is doing something else. He may be at Treasury maybe. I just don't know.

Question. Okay. For the record, these are handwritten notes that were provided by Bobbie Faye Ferguson who worked with Harry Thomason at the White House in the spring of 1993.

Were you ever aware of Craig Livingstone meeting with Harry Thomason about anything having to do with the Secret Service?

Answer. No.

Question. Were you aware of Harry Thomason handling any issues relating to the Secret Service?

Answer. No.

Question. Or the military office?

Answer. No.

Question. Were you aware of any complaints that anyone in the First Family made about Director McGaw or Deputy Director Guy Caputo of the Secret Service?

Answer. No. I have seen press reports, you know, reporting on the rumors of unhappiness with the Secret Service, but I have no knowledge of the accuracy of those reports.

Ms. COMSTOCK. I will make this Exhibit 10.

[Kennedy Deposition Exhibit No. 10 was marked for identification.]

Ms. COMSTOCK. This is CGE 029184, which are handwritten notes from Mr. Watkins of April 16th, 1993. The top of them reads, Bruce and Harry Thomason, and then discusses conversations with Hillary, conversations with Bruce.

[Kennedy Deposition Exhibit No. 11 was marked for identification.]

EXAMINATION BY MS. COMSTOCK:

Question. First of all, do you recognize that handwriting as Mr. Watkins?

Answer. No.

Question. Do you know who a Bob Coy is?

Answer. No.

Question. From California?

Answer. I do not.

Question. Did you have any knowledge of any conversations that Bruce Lindsey or Harry Thomason had about any matters relating to the Secret Service?

Answer. No.

Question. Were you aware of any discussions by anybody at the White House of any Secret Service agents leaking information or talking to Bob Woodward?

Answer. No.

Question. Okay. Is anything on those handwritten notes at all familiar to you?

Answer. In what regard?

Question. On topics that you may have discussed at the White House with Mr. Watkins or Mr. Thomason or Mr. Lindsey or the President or the First Lady?

Answer. Well, there's this—it says, Charter Press, be taking kickbacks, I mean, that could relate to the Travel Office but—5 percent kickback, that could relate to the Travel Office, but apart from that I don't recognize any of these other references.

Question. Do you recall the kickback allegation being made in relation to the Travel Office?

Answer. I don't recall a specific allegation being made. I remember, as I previously testified, that Harry Thomason thought the office was being operated in a funny way.

Question. And he had mentioned kickbacks to you?

Answer. He did not mention kickbacks to me specifically, no. I don't recall him doing so.

Ms. COMSTOCK. Okay. I believe that is all I have. Thank you, Mr. Kennedy.

Mr. COFFIELD. Thank you.

The WITNESS. You are quite welcome.

[Whereupon, at 11:35 a.m., the deposition was concluded.]

Mr. CLINGER. Now, I am pleased to recognize the gentlelady from Illinois, Mrs. Collins.

Mrs. COLLINS OF ILLINOIS. Mr. Chairman, I commend you on holding today's hearings. We on the Democratic side of the aisle are as committed as you are to getting to the bottom of this matter and today's hearing is appropriate oversight. As I said at our last hearing, it was dead wrong to request FBI files on individuals who had worked in previous administrations and no longer held passes to the White House. We, along with those former employees and the public, deserve to know what happened, how it happened, and why it happened.

Before I continue with my opening statement, let me comment on the recent compromise reached between the committee and the White House concerning the committee's subpoena for Travel Office documents and the contempt citation of White House Counsel Jack Quinn. Under our agreement, certain documents were removed from the committee's request at your suggestion. The remaining

documents will now be available for the review of the members and committee staff.

I am pleased that we reached this compromise. As our dissenting views on the contempt citation noted, when there is a disagreement between the two branches of Government over documents, it is imperative that both sides seek to reach an accommodation that recognizes both the need of the Congress to know and the need of the President for confidentiality.

The compromise we achieved yesterday found that balance, and will assure the American public that every stone is being turned to determine whether there is evidence of wrongdoing. We have also agreed that if any documents relate to the FBI files matter before us today, they will immediately be subject to public release. This permits all of us to work toward proceeding in this investigation in the bipartisan spirit that resulted in yesterday's compromise.

At last week's hearing we learned a number of relevant facts about the FBI files. We learned that it was standard practice for each administration to engage in what is now known as the Update Project; that is, the recreation of personnel security files for hold-over employees from the previous administration. This was required, because each administration removes all of its files when it leaves office.

We also learned that the procedure for requesting files was to use a preprinted Xeroxed form with the name of the White House counsel typed at the top, but requiring no signature. These forms date back for 30 years to the Johnson administration. This procedure was, as the FBI found, ripe for abuse, and it now appears that these forms were improperly used to obtain the FBI files on former employees. The White House has taken unprecedented steps to change these procedures and bring accountability to the process, but the files were already requested.

Our witnesses last week could only speculate on the reasons for what happened. A common theme expressed by Mr. Gray and Ms. Gemmell was that the use of detailees and interns with insufficient background in security or name recognition was a key problem. I agree.

Security work is extremely sensitive, but there appears to have been an extremely lax attitude in the treatment of FBI files. I am hopeful that Chuck Easley, an official with 20 years experience in security matters in the Army, and a security official in the Executive Office of the President since the Reagan administration, will change this office now that he has been placed in charge.

Today's hearing should provide more details on how these files came to be requested and whether the requests were a result of a mistake or political activity. As the chairman has stated on several occasions, we are all interested in where the list came from which was used by Mr. Marceca to request the FBI files.

One important witness today is Ms. Lisa Wetzl, who was the first to discover that Mr. Marceca had requested "too many files," meaning those no longer employed by the White House. Ms. Wetzl notified her supervisor, Mr. Livingstone, of that fact, and proceeded to determine which of the files involved employees no longer working in the White House. Although the files should have been returned

to the FBI, they were boxed and apparently indexed and placed in the White House archives, where there is no evidence they were seen again, with the apparent exception of files for active employees mistakenly placed there.

Ms. Wetzl's testimony is extremely relevant, because she has stated that when she worked on the Update Project after Mr. Marceca, she requested a Secret Service list of employees holding active passes. In her view, the list was out of date, and required cross-checking with offices. She also recalls seeing an out-of-date Secret Service list, which she believes was requested by Ms. Gemmell, and used by Ms. Gemmell to prepare requests to the FBI, and that the list may have had the names of Marlin Fitzwater and James Baker.

We are still a long way away from knowing what happened in this case, and we will likely have had much confusing testimony by the day's end. However, it is notable that to date we have received no evidence that any individual directed any other individual to knowingly collect information of employees no longer serving in the administration, nor to disseminate damaging information. While the mere requesting of FBI files on former employees was wrong, these are the questions that we must answer.

Mr. Chairman, while it is entirely appropriate to be engaging in today's fact-finding hearing, I hope that we will also work together to explore the larger issues we have begun to uncover. For example, is it really necessary for any administration to have a set of FBI files on the premises of the White House? We know that each administration does this, but is it really proper or necessary?

Second, we have been told that each President retains all of the White House files after the term is over, including these security files. Is that appropriate? Should researchers at a Presidential library ever have access to such a security file?

In summary, Mr. Chairman, as we get to the bottom of this case, let us also take the time to see whether many of the policies that have been in place for many years with respect to security files make any sense. If we can resolve to improve the privacy rights of all our citizens, I will strongly support the effort. I yield back the balance of my time.

Mr. CLINGER. I thank the gentlelady. As I indicated, further opening statements may be submitted as part of the record or can be made at the time a Member is recognized for his time under the 5-minute rule.

I am pleased to welcome our panel here. I am sure they are not happy to be here, but we are happy that you are here. It is the custom of this committee that so as not to prejudice the rights of any witnesses that all witnesses are sworn. If you have no objection to that, I would ask you to rise and be sworn.

[Witnesses sworn.]

Mr. CLINGER. Let the record indicate that all of the witnesses answered in the affirmative. I will go to the first round of questioning. Each member will be recognized in turn for 5 minutes, rotating between majority and minority, and I will assume the first 5 minutes.

Mr. NUSSBAUM. I have an opening statement, Mr. Chairman, which I would like to deliver.

Mr. CLINGER. All opening statements will be submitted as part of the record. I am sorry, Mr. Nussbaum, I must decline that request. It will be a part of our record.

Mrs. COLLINS OF ILLINOIS. Mr. Chairman, point of order.

Mr. CLINGER. The gentlewoman will state the point of order.

Mrs. COLLINS OF ILLINOIS. At our last hearing, witnesses were allowed to give their opening statements. I think it is grossly unfair for these witnesses not to be allowed to give opening statements. There are only five. That will take 25 minutes. I would think that we would do that as a courtesy to them since they have already sworn what they say will be the truth and to deny them the opportunity to give a 5-minute statement, I think, is a bit much.

Mr. LANTOS. Mr. Chairman.

Mr. CLINGER. I understand the gentlelady's point and my hope had been that by submitting all of the statements for the record that we could expedite the proceedings. I know that there is a reason for some members of our panel who want to conclude this hearing as rapidly as possible, but given the concerns that have been raised, I will permit opening statements and, Mr. Nussbaum, you are recognized for 5 minutes.

STATEMENT OF BERNARD W. NUSSBAUM, FORMER CLINTON ADMINISTRATION WHITE HOUSE COUNSEL

Mr. NUSSBAUM. Thank you, Mr. Chairman. I may take slightly more, Mr. Chairman, but I will try to make it brief.

Mr. Chairman, Mrs. Collins, members of this committee: As you all know, I was Counsel to the President of the United States, from January 20, 1993 to April 5, 1994.

Let me begin by telling you something that goes to the core of who I am, and what I believe; that is at the heart of the values by which I live.

The very idea, Mr. Chairman, of obtaining FBI files for the purpose of digging up dirt on political opponents, the very thought, Mr. Chairman, of creating an enemies list and using secret and private Government information against those individuals is abhorrent to me. It is contrary to every bone in my body. It is contrary to every ideal I have. It is contrary to the way I have lived my entire life.

So let me be clear, Mr. Chairman. In the Clinton White House I knew, there was no enemies list. There was no deliberate misuse of private Government information. There was no digging up of dirt from Government files to use against political opponents. If anyone had committed such a reprehensible act in this White House, and it had come to my attention, or to the attention of the President, or the First Lady, the individual responsible would have been thrown out on his ear, and worse.

Now, I realize full well, Mr. Chairman, that, in recent weeks, you and I learned—and we both learned this at the same time, that during my tenure as Counsel, a serious mistake, a very serious mistake, was made in the White House Personnel Security Office, which reports to the Counsel's Office.

Apparently, because an inaccurate White House access list was provided to an employee of that Security Office, FBI summary

background files, which should never have been requested, were obtained by that employee.

That employee has sworn that the error was an innocent one; that the information he obtained was not disseminated to anyone outside of his office; that it was not used for any improper purpose.

At the time this error was being made in 1993 and 1994, I did not know it was happening. Nor, did anyone in the Counsel's Office know it was happening. I know the quality of my Counsel staff. Bill Kennedy is an individual of the highest integrity, ability, and judgment. I have the greatest respect and regard for him. If anyone in the Counsel's office, particularly Mr. Kennedy, had discovered that this error was being made, it would have been halted immediately. But saying that does not excuse us. It does not excuse any of us in the Counsel's Office. It especially does not excuse me.

This happened on my watch, as Counsel to the President. I was the responsible senior official. I bear full responsibility and I accept that responsibility. When I testified before the Senate on other matters, I spoke about certain principles I tried to live by when I held public office.

Those principles are: Do the right thing; realize that, at times, your actions will be misunderstood; that you will be involved in conflict; that you will get bad press; acknowledge your mistakes when they occur, but if you acted correctly, defend yourself, defend yourself publicly, and defend those around you, in an open, honest and forthright manner; be principled, consistent and strong; and, most important, worry less about tomorrow's headlines than about the judgment of history.

We made a bad mistake here and that mistake must be acknowledged. Those whose files were wrongly obtained, have every right to be agitated, to be angry, knowing that even one person reviewed their private FBI files, when he should not have done so. I know I would be agitated if that happened to my file. I know I would be angry. It was a serious breach of privacy. And, so, each of those individuals, whose file was examined, deserves an apology. And, while I know it will not eliminate the hurt they feel, I do apologize to each and every one of them.

Mr. Chairman, since we are talking about errors, I know of another error that was made in connection with this matter.

On June 5, 1996, 3 weeks ago, you held a press conference, at which you handed out a printed form with my name on it, a form I had never seen. You called it "a truly startling document from President Clinton's former White House Counsel, Bernard Nussbaum."

Minutes after your press conference ended, a story went out over the Associated Press wire. That story was on national TV all day, and in newspapers all over the country the next day. This was the way that story began:

WASHINGTON (AP) Then White House Counsel Bernard Nussbaum asked for and received FBI background material on fired Travel Office Chief Billy Dale 6 months after Dale was kicked out of his post, a Congressman disclosed today.

Nussbaum's written request, turned over last week to a House committee, incorrectly states that the Presidential lawyer was asking for the material so that Dale could gain "access" to the White House.

U.S. Rep. William Clinger, R-Pa., suggested the written request might be a false statement that could be prosecuted as a felony.

At your press conference, Mr. Chairman, which was widely reported——

Mr. CLINGER. I am going to ask you to wrap it up in 3 minutes, please.

Mr. NUSSBAUM. At your press conference your statement, you said:

White House counsels are expected to be paragons of propriety. At the very least, there is a strong implication President Clinton's Counsel acted unethically in requesting confidential background checks of a former employee. At the very worst, the request may have violated the Privacy Act, which protects against improper disclosure of confidential records and information about current and former Federal employees.

So, on the basis of a printed form, Mr. Chairman, you told the country, Mr. Chairman, that, at best, I was unethical as White House Counsel; at worst, I was a felon.

The form you relied on, Mr. Chairman, has been in use for over 30 years. As the FBI's recent report on this matter says: "FBI staff have long understood the name on the form was typically not the actual requester of the information." You could have called the FBI before your press conference to find out that easily ascertainable fact.

You could have called me. I do not know if you called the FBI before your press conference, Mr. Chairman. But you did not call me. You did call Billy Dale. You called to ask him whether he ever requested access to the White House after he was let go. And, then, you had him stand in the hall outside your press conference—so Mr. Dale could immediately tell the press that he never requested such access. And Mr. Dale's attorney could say—and I quote from the AP story that emerged from your press conference that "Nussbaum's written request 'very easily could be' added to the Whitewater criminal investigation of Prosecutor Kenneth Starr."

We know each other, Mr. Chairman. We had cordial dealings when I was White House Counsel. And you have a reputation for decency and propriety. But you had no member of your staff call me, to ask me a simple question—did I ever request Billy Dale's FBI files 6 months after he was fired?

Was I really trying to dig up dirt on Billy Dale when he was being investigated by the Justice Department? Those notions are absurd on their face. They are false. But no one called to ask.

Nonetheless, you stood before the TV cameras to suggest to the country that I was using the FBI to dig up dirt on Billy Dale, that I was making false statements to the FBI, that I could probably be prosecuted for a felony, that I was not the paragon of propriety that a White House Counsel should be. Everything you suggested about me, Mr. Chairman, in your press conference, was a reckless falsehood.

I know, believe me I know all too well, that we live in an age where the politics of personal destruction reigns supreme. I know all too well, Mr. Chairman, we live in an age where, as my late, dear friend, Vincent Foster said so poignantly in his last note, "ruining people is considered sport." Well, Vince is gone, so he does not have to bear it anymore.

I think, I certainly hope, the American people are becoming tired of vicious, unwarranted, baseless personal attacks; that they are becoming tired of the politics of personal destruction.

But whether they are or not—I am. Enough is enough. So, on this day, Mr. Chairman, when errors should be acknowledged and apologies are in order—will I hear you acknowledge your error, Mr. Chairman?

Will I hear your apology?

Thank you.

[The prepared statement of Mr. Nussbaum follows:]

PREPARED STATEMENT OF BERNARD W. NUSSBAUM, FORMER CLINTON
ADMINISTRATION WHITE HOUSE COUNSEL

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Apparently, because an inaccurate White House access list was provided to an employee of that Security Office, FBI summary background files, which should never have been requested, were obtained by that employee.

That employee has sworn that the error was an innocent one; that the information he obtained was not disseminated to anyone outside of his office; that it was not used for any improper purpose.

At the time this error was being made, in 1993 and 1994, I did not know it was happening. Nor, did anyone in the Counsel's Office know it was happening.

I know the quality of my Counsel staff. Bill Kennedy is an individual of the highest integrity, ability and judgment. I have the greatest respect and regard for him. If anyone in the Counsel's office—particularly Mr. Kennedy—had discovered that this error was being made, it would have been halted immediately.

But saying that does not excuse us. It does not excuse any of us in the Counsel's Office. It especially does not excuse me. This happened on my watch, as Counsel to the President. I was the responsible senior official. I bear full responsibility and I accept that responsibility.

When I testified before the Senate on other matters, I spoke about certain principles I tried to live by when I held public office. Those principles are:

- do the right thing;
- realize that, at times, your actions will be misunderstood; that you will be involved in conflict; that you will get bad press;
- acknowledge your mistakes when they occur, but if you acted correctly, defend yourself, defend yourself publicly, and defend those around you, in an open, honest and forthright manner;
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I know I would be agitated if that happened to my file. I know I would be angry. It was a serious breach of privacy.

And, so, each of those individuals, whose file was examined, deserves an apology. And, while I know it will not eliminate the hurt they feel, I do apologize—to each and every one of them.

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U.S. Rep. William Clinger, R-Pa., suggested the written request might be a false statement that could be prosecuted as a felony.

At your press conference, which was widely reported, you were quite direct in your remarks about me. In your opening statement, you said:

White House counsels are expected to be paragons of propriety. At the very least, there is a strong implication President Clinton’s counsel acted unethically in requesting confidential background checks of a former employee. At the very worst, the request may have violated the Privacy Act, which protects against improper disclosure of confidential records and information about current and former federal employees.

So, on the basis of a printed form, you told the country, Mr. Chairman, that, at best, I was unethical as White House Counsel; at worst, I was a felon.

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You could have called the FBI before your press conference to find out that easily ascertainable fact.

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But you did not call me.

You did call Billy Dale. You called to ask him whether he ever requested access to the White House after he was let go.

And, then, you had him stand in the hall outside your press conference—so Mr. Dale could immediately tell the press that he never requested such access.

And Mr. Dale’s attorney could say—and I quote from the AP story that emerged from your press conference—that “Nussbaum’s written request ‘very easily could be’ added to the Whitewater criminal investigation of Prosecutor Kenneth Starr.”

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But whether they are or not—I am.

Enough is enough.

So, on this day, Mr. Chairman, when errors should be acknowledged and apologies are in order—will I hear you acknowledge your error, Mr. Chairman?

Will I hear your apology?

Thank you.

Mr. CLINGER. Thank you. You indicated that we had had cordial relationships and I would concur with that except I would also note that early in your tenure you persistently denied me access to documents, so they were cordial from your point of view, but from mine, I must say it became increasingly disturbing to me that we were unable to get documents on a wholly different matter having to do with the First Lady's Health Care Task Force. So there have been disagreements between us.

The document that you refer to did have your name on it. That is one of the areas of inquiry today as to how that could have gone out without your knowledge and understanding. I think there was perhaps a breach there that you should have at least had some knowledge or some awareness that these requests were being made in your name.

Mr. NUSSBAUM. Why didn't you call me before your press conference, Mr. Chairman?

Mr. CLINGER. Now, I will recognize Mr. Kennedy for any opening statement you may care to make.

Mr. KENNEDY. Mr. Chairman, I have no statement. I join, however, with Mr. Nussbaum in extending an apology to any and all individuals whose files were obtained by mistake.

Mr. CLINGER. Thank you, Mr. Kennedy.

Mr. Livingstone, for 5 minutes.

STATEMENT OF CRAIG LIVINGSTONE, FORMER CLINTON ADMINISTRATION DIRECTOR OF PERSONNEL SECURITY

Mr. LIVINGSTONE. Thank you, Mr. Chairman. Chairman Clinger, ranking minority Member Collins, and members of the committee, my name is Craig Livingstone. Thank you for allowing me the opportunity to testify here today.

First, I want to speak directly to each of the persons whose FBI background summaries were mistakenly obtained by the Office of Personnel Security. I am deeply sorry that this mistake occurred. I know at this point there is nothing I can do to eliminate your concerns completely, but I hope that what I have to say—

Mr. WAXMAN. Mr. Chairman, I can't hear the witness.

Will you pull the microphone up—

Mr. CLINGER. We need to have a door back there closed.

Mr. PETERSON. Point of order. We don't have a copy of these statements. Apparently some of the majority do. Why is that?

Mr. CLINGER. We just received them. I assume that you should have received them as well.

Mrs. COLLINS OF ILLINOIS. We didn't receive them, Mr. Chairman. Someone has just given me a copy, and we are going to take it and have it Xeroxed so all our members can have a copy of it.

Mr. CLINGER. We can all be attentive to Mr. Livingstone. He is now prepared to present his testimony. His attorney is holding a number of copies which will be delivered.

Mr. SCHIFF. Mr. Chairman, point of order. I wonder if you could ask the witness to begin his statement over again.

Mr. CLINGER. Mr. Livingstone, if you would commence your statement again while they are passing out copies of the statement. No one on either side received a statement until just before the hearing. You may proceed. We have to ask you to summarize so that we can get it within 5 minutes. There are votes on.

Mr. LIVINGSTONE. Chairman Clinger, ranking minority Member Collins, and members of the committee, my name is Craig Livingstone. Thank you for allowing me the opportunity to testify here today.

First, I want to speak directly to each of the persons whose FBI background summaries were mistakenly obtained by the Office of Personnel Security. I am deeply sorry that this mistake occurred. I know at this point there is nothing I can do to eliminate your concerns completely, but I hope that what I and others have to say here today will ease some of your fears.

To the very best of my knowledge and belief, my Office's requests for previous FBI summary reports on several hundred former administration staffers was an entirely innocent mistake that occurred during the routine process of creating personnel security files on everyone who had access to the White House complex.

As best I can tell, this mistake occurred simply because the passholder list provided to my office by the Secret Service contained some names of former staffers who no longer had access to the White House complex, interspersed among the names of actual, current passholders and others who continued to have access.

As a result, it appears that Anthony Marceca, who in good faith relied on a Secret Service list of supposedly current passholders routinely provided to the Office of Personnel Security, inadvertently requested previous reports on a number of individuals who, in reality, no longer had access to the White House complex.

While I do not know all the details of how the Update Project proceeded, I want to be absolutely clear about what I do know. I was never asked to obtain, I never instructed anyone else to obtain, and I never myself sought to obtain any FBI background information on any person for any improper purpose whatsoever, nor do I believe that anyone working for me ever sought to do so.

Furthermore, to the best of my ability, I treated background information confidentially. I never disclosed, nor asked anyone else to disclose, any information contained in anyone's FBI background file to any other person for any improper purpose whatsoever, and I have no reason to believe that anyone else in my office ever did so.

To understand how this mistake occurred, I think it is essential to understand the role of the Office of Personnel Security in general, and the Update Project in particular. It was not the function of the Office of Personnel Security to act in a law enforcement ca-

capacity. Physical security of the White House complex is primarily the responsibility of the Secret Service.

During my tenure as its Director, the principal function of the Office of Personnel Security was to coordinate the paper flow among the White House Counsel's Office, the FBI, and the U.S. Secret Service to ensure that people who needed to have access to the White House complex had undergone a full FBI background investigation every 5 years, and posed no problem regarding their suitability for access.

It was not the role of the Office of Personnel Security to make the ultimate determination as to whether a particular individual was, or was not, suitable for White House access. That was the responsibility of the White House Counsel's Office and the Secret Service. The Office of Personnel Security was an administrative adjunct to the Counsel's Office that served principally as the liaison among the Counsel's Office, the FBI, and the Secret Service.

My role, as Director of the Office, was primarily administrative. One of the tasks we were instructed to perform by the people who ran the office during the Bush administration was to maintain a personnel security file in the office vault on every person who had access to the White House complex, whether that person was a holdover employee from a prior administration or a new hire by the Clinton administration.

For new hires by the Clinton administration, the personnel security file was generated when the individual completed a Standard Form 86, which authorized an FBI background investigation, and an IRS waiver form, which authorized an IRS tax check to ensure no back taxes were owed.

The information provided by the FBI and the IRS on each such person is contained in his or her personnel security file. Because all White House personnel security files from the Bush administration were sent to the Bush archives at the close of that administration, our office needed to recreate a personnel security file for each person who held over from the prior administration and who, therefore, continued to have access to the White House complex.

For each of these "holdovers," the personnel security file was recreated by obtaining from the FBI what is known as a "Copy of Previous Report," which is essentially a Xerox copy of the summary information that had previously been provided on that individual to the prior administration, and which is contained in that person's personnel security file now housed in the archives of former President Bush.

In addition to recreating the personnel security files on those persons who had had White House access during the prior administration and who, despite the change in administrations, continued to have a need for access to the White House complex, the Update Project was performed to determine whether any of these holdovers were due for their 5-year periodic reinvestigation by the FBI.

As I understand it, the longstanding procedure dating back at least to the beginning of the Reagan administration for identifying holdovers for the Update Project was to use a list of active passholders generated by the Secret Service. The mistake seems to have occurred because the Secret Service list relied upon during at least a portion of the Update Project contained outdated informa-

tion, and inaccurately identified as active passholders many individuals who were not, in fact, active passholders.

When the mistake occurred during in the fall of 1993 and early 1994, the Update Project was far from being the main priority in my office. Much of our attention was directed to processing the paperwork necessary to generate permanent passes for new employees and officials of the Clinton administration. This required getting completed Standard Form 86 and tax check waiver forms from new hires, ensuring that all the forms were properly filled out, getting the forms to the FBI and the IRS, and resolving any minor issues Counsel's Office might ask us to resolve when the background investigations came back from the FBI.

As many of you know, throughout the first year of the administration, we were understaffed because of budget cuts and overwhelmed by the paperwork necessary to get new staff members their permanent passes. Because the Update Project concerned individuals who already had been found suitable for access to the White House complex by at least one prior administration, it was not considered a pressing priority. It was a project that was worked on, as time permitted, during the course of responding to more pressing priorities.

Chairman Clinger, members of the committee, I know, and I accept, that I bear responsibility for the mistake that occurred. I bear that responsibility because I failed to coordinate closely enough with Nancy Gemmell, who had worked in both the Reagan and Bush administrations and who began the project, and because I failed to supervise closely enough Mr. Marceca, who picked up the project and worked on it for approximately 6 months, or Lisa Wetzl, who completed the project. Because my attention was focused elsewhere on what I believed at the time to be more pressing priorities, I did not recognize the problem, and for that, I am truly sorry.

As a result, I want to be the first to announce that I am tendering my resignation from the White House effective immediately. But I also want to make clear that neither I, nor, to my knowledge, anyone else in the White House, participated in any kind of smear campaign or an effort to compile an enemies list, as some have alleged or feared. That is just not true.

Finally, I want to say something about me, Craig Livingstone. Over the past 2 weeks, I have been the object of much ridicule and suspicion because I have been active in political campaigns in the past, because I, like many others, have occasionally held part-time jobs in restaurants, because of my size and physical appearance, and because I am a political appointee in the Clinton administration, even though I did not attend the best of schools and do not have the best resume in town.

I have been described as a "political operative," a "beefy former bar bouncer," and a "henchman" who has supposedly engaged in all sorts of misconduct, dating back almost 20 years. These are false and unfair caricatures of who I am. I am proud that I have personally participated in our democratic system of government and that I worked hard for little or no pay during political campaigns for candidates who I felt would make this country a better place to live. And I am proud to have served in the Clinton administration.

I honestly believe that getting involved in our democracy is something good and decent, something that should be encouraged, not scorned and repaid with personal humiliation.

Thank you for giving me the opportunity to make this presentation.

[The prepared statement of Mr. Livingstone follows:]

PREPARED STATEMENT OF CRAIG LIVINGSTONE, FORMER CLINTON ADMINISTRATION
DIRECTOR OF PERSONNEL SECURITY

Chairman Clinger, Ranking Minority Member Collins, and Members of the Committee, my name is Craig Livingstone. Thank you for allowing me the opportunity to testify here today.

First, I want to speak directly to each of the persons whose FBI background summaries were mistakenly obtained by the Office of Personnel Security. I am deeply sorry that this mistake occurred. I know at this point there is nothing I can do to eliminate your concerns completely, but I hope that what I and others have to say here today will ease some of your fears.

To the very best of my knowledge and belief, my Office's requests for previous FBI summary reports on several hundred former administration staffers was an entirely innocent mistake that occurred during the routine process of creating personnel security files on everyone who had access to the White House complex. As best I can tell, this mistake occurred simply because the passholder list provided to my office by the Secret Service contained some names of former staffers who no longer had access to the White House complex, interspersed among the names of actual, current passholders and others who continued to have access. As a result, it appears that Anthony Marceca, who in good faith relied on a Secret Service list of supposedly current passholders routinely provided to the Office of Personnel Security, inadvertently requested previous reports on a number of individuals who, in reality, no longer had access to the White House complex.

While I do not know all the details of how the Update Project proceeded, I want to be absolutely clear about what I do know: I was never asked to obtain, I never instructed anyone else to obtain, and I never myself sought to obtain any FBI background information on any person for any improper purpose whatsoever, nor do I believe that anyone working for me ever sought to do so. Furthermore, to the best of my ability, I treated background information confidentially. I never disclosed, nor asked anyone else to disclose, any information contained in anyone's FBI background file to any other person for any improper purpose whatsoever, and I have no reason to believe that anyone else in my Office ever did so.

To understand how this mistake occurred, I think it is essential to understand the role of the Office of Personnel Security in general, and the Update Project in particular. It was not the function of the Office of Personnel Security to act in a law enforcement capacity; physical security of the White House complex is primarily the responsibility of the Secret Service. During my tenure as its Director, the principal function of the Office of Personnel Security was to coordinate the paper flow among the White House Counsel's Office, the FBI, and the United States Secret Service to ensure that people who needed to have access to the White House complex had undergone a full FBI background investigation every five years, and posed no problem regarding their suitability for access. It was not the role of the Office of Personnel Security to make the ultimate determination as to whether a particular individual was, or was not, suitable for White House access; that was the responsibility of the White House Counsel's Office and the Secret Service. The Office of Personnel Security was an administrative adjunct to the Counsel's Office that served principally as the liaison among the Counsel's Office, the FBI, and the Secret Service. My role, as Director of the Office, was primarily administrative.

One of the tasks we were instructed to perform by the people who ran the office during the Bush Administration was to maintain a personnel security file in the Office vault on every person who had access to the White House complex, whether that person was a holdover employee from a prior administration or a new hire by the Clinton Administration. For new hires by the Clinton Administration, the personnel security file was generated when the individual completed a Standard Form 86, which authorized an FBI background investigation, and an IRS waiver form, which authorized an IRS tax check to ensure no back taxes were owed. The information provided by the FBI and the IRS on each such person is contained in his or her personnel security file. Because all White House personnel security files from the Bush Administration were sent to the Bush archives at the close of that Administration, our office needed to recreate a personnel security file for each person who held

over from the prior administration and who, therefore, continued to have access to the White House complex. For each of these "holdovers," the personnel security file was recreated by obtaining from the FBI what is known as a "Copy of Previous Report," which is essentially a xerox copy of the summary information that had previously been provided on that individual to the prior administration, and which is contained in that person's personnel security file now housed in the archives of former President Bush.

In addition to recreating the personnel security files on those persons who had had White House access during the prior administration and who, despite the change in administrations, continued to have a need for access to the White House complex, the Update Project was performed to determine whether any of these holdovers were due for their five-year periodic reinvestigation by the FBI. As I understand it, the longstanding procedure—dating back at least to the beginning of the Reagan Administration—for identifying holdovers for the Update Project was to use a list of active passholders generated by the Secret Service. The mistake seems to have occurred because the Secret Service list relied upon during at least a portion of the Update Project contained outdated information, and inaccurately identified as active passholders many individuals who were not, in fact, active passholders.

When the mistake occurred during in the fall of 1993 and early 1994, the Update Project was far from being the main priority in my Office. Much of our attention was directed to processing the paperwork necessary to generate permanent passes for new employees and officials of the Clinton Administration. This required getting completed Standard Form 86 and tax check waiver forms from new hires, ensuring that all the forms were properly filled out, getting the forms to the FBI and the IRS, and resolving any minor issues Counsel's Office might ask us to resolve when the background investigations came back from the FBI. As many of you know, throughout the first year of the Administration, we were understaffed because of budget cuts and overwhelmed by the paperwork necessary to get new staff members their permanent passes. Because the Update Project concerned individuals who already had been found suitable for access to the White House complex by at least one prior administration, it was not considered a pressing priority. It was a Project that was worked on, as time permitted, during the course of responding to more pressing priorities.

Chairman Clinger, members of the Committee, I know, and I accept, that I bear responsibility for the mistake that occurred. I bear that responsibility because I failed to coordinate closely enough with Nancy Gemmell, who had worked in both the Reagan and Bush administrations and who began the project, and because I failed to supervise closely enough Mr. Marceca, who picked up the project and worked on it for approximately six months, or Lisa Wetzl, who completed the project. Because my attention was focused elsewhere on what I believed at the time to be more pressing priorities, I did not recognize the problem, and for that, I am truly sorry. As a result, I want to be the first to announce that I am tendering my resignation from the White House effective immediately.

But I also want to make clear that neither I, nor, to my knowledge, anyone else in the White House, participated in any kind of smear campaign or an effort to compile an enemies list, as some have alleged or feared. That is just not true.

Finally, I want to say something about me, Craig Livingstone. Over the past two weeks, I have been the object of much ridicule and suspicion because I have been active in political campaigns in the past, because I, like many others, have occasionally held part-time jobs in restaurants, because of my size and physical appearance, and because I am a political appointee in the Clinton Administration, even though I did not attend the best of schools and do not have the best resume in town. I have been described as a "political operative," a "beefy former bar bouncer," and a "henchman" who has supposedly engaged in all sorts of misconduct, dating back almost 20 years. These are false and unfair caricatures of who I am. I am proud that I have personally participated in our democratic system of government, and that I worked hard for little or no pay during political campaigns for candidates who I felt would make this country a better place to live. And I am proud to have served in the Clinton Administration. I honestly believe that getting involved in our democracy is something good and decent, something that should be encouraged, not scorned and repaid with personal humiliation.

Thank you for giving me the opportunity to make this opening statement.

Mr. CLINGER. We are involved in a series of votes on the House floor. Mr. Marceca, do you have an opening statement?

Mr. MARCECA. Yes, sir.

Mr. CLINGER. Ms. Wetzl, do you have an opening statement?

Ms. WETZL. Yes, sir.

Mr. CLINGER. When we return we will take your opening statements. The committee will stand adjourned until 5 minutes after the last vote commencing which is now underway.

[Recess.]

Mr. CLINGER. The committee will now resume its sitting, and I will again ask the members of the media to retreat and ask our panelists to resume their seats at the witness table.

I will now recognize Mr. Marceca for an opening statement for 5 minutes, if you can keep it to that, Mr. Marceca. You are recognized.

STATEMENT OF ANTHONY MARCECA, FORMER CLINTON ADMINISTRATION DETAILEE

Mr. MARCECA. Mr. Chairman and members of the committee, I appear before you today as a witness to explain my role at the White House and the handling of the FBI background files.

In mid-August 1993, I was detailed from my position as an investigator with the U.S. Army, Criminal Investigation Division, to the White House Office of Personnel Security. I remained in that position until February 1994. At that time I had, and to this day I continue to have, a top secret security clearance.

Let me generally describe what my tasks were. My primary task was to stay current with regard to SF-86's that had been filled out by new White House employees. A second task was to assist in staying current with other requests for access to the White House. The third task was the Update Project.

This third assignment at the Office of Personnel Security was to recreate personnel security files on employees and officials from the prior administration who continued in their positions with the Clinton administration or who continued to have a legitimate need for access to the White House complex. It was my understanding that all personnel security files from the prior administration had been sent to the Bush administration archives during the transition.

In preparation for assuming my position at the White House, I met with Mr. Livingstone, Nancy Gemmell, and other staffers in the Office of Personnel Security. Yesterday, you received notes of an August 9th meeting I had with Ms. Gemmell. Ms. Gemmell generally discussed with me the procedure by which I was to establish the files for White House employees and those with a need for access to the White House. Although it had a lower priority than other functions I was to perform, the Update Project was one of the job functions that Ms. Gemmell discussed. Through discussions with Ms. Gemmell, Mr. Livingstone, and others, I had a general sense of my responsibilities when I began work in the White House on August 18, 1993.

The procedure I employed for the Update Project was as follows: Generally, I would work from a set of computer lists that were located in the vault in the Office of Personnel Security. I attempted to go through the names on this list in the order in which they appeared. For each name, I would prepare a file folder and type requests on a preprinted, Xeroxed form, addressed to the FBI Liaison asking for a copy of the individual's previous report. I believe, but

I'm not certain, some folders may have already been typed and ready to request previous background investigations. I also typed on the form the reason for the request to the FBI, such as ACCESS S. I sent the form requesting a previous report to the FBI without showing it to anyone else in the Office of Personnel Security.

When the previous reports came into the office, I pulled the file I had created for the individual and reviewed the report to determine the date for the individual's next periodic reinvestigation and to determine whether there was any information in the individual's previous report that could raise a question as to the individual's suitability to have access to the White House complex.

In almost every case, my basic function was to determine from the previous reports whether a new investigation was needed. If the previous report showed that a background investigation had been done within the last 5 years, I marked on the label on the file the date when a new investigation would be needed and I put the folder into the general file. If the previous report showed that a background investigation had been done in the last 5 years, I began the task of putting together a proper file to initiate the reinvestigation process.

The first step was to get the individual in question to fill out a new SF-86, which contained, among other things, the individual's express consent to allow a new FBI full field investigation. If in the process of seeking a new SF-86 I discovered that the individual was no longer employed by and no longer otherwise needed access to the White House, I simply put the individual's file in what I called the dead file.

Let me try to generally describe the set of lists that I worked from. It is not a document that I recall with complete precision, mostly because it was a routine computer printout that was not otherwise particularly memorable. I do remember that it was a computer printout that was in the vault of the Office of Personnel Security. It was on green and white computer paper. I believe it was approximately 8 inches wide, at least that is the picture I have in my mind. I recall that it was folded over and had connecting pages. I recall that it was approximately an inch thick perhaps and I recall the names being on the left-hand column. I do not recall identifying marks at the top of the pages but that is not to say that such marks did not exist.

I have a memory, though not vivid, that there were other identifying pieces of information on those lists. I recall the computer printout was divided into various subgroups. As best I can recall, there may have been a description or a designation on the list noting the particular office within the White House. For example, you will note there are designations in the document that I have provided that identify different offices by a letter designation. These include "G" for GSA, "R" for residence, "N" for National Security Council, "S" for staff, "A" for AT&T. My recollection is that such a designation may have been on the lists but I'm not certain of this fact. I also believe there were other identifying features on the lists such as the date and place of birth for each individual.

On the basis of this computer printout, I would have gone through each department by alphabet. Thus, when my detail was

finished, I had completed the lists for a number of departments and was working my way down the staff list.

I was not asked to, I did not speak to, obtain a previous report on any person for any—I did not seek to obtain a previous report on any person for any reason other than to create a current personnel security file for an individual whom I believed was properly included on the White House access list. When I obtained copies of the previous reports, I processed each one in accordance with the procedure I described above. I did not single out any person for special scrutiny or treat any person differently because of who he or she may have been.

I would be pleased to answer questions at this time.

Mr. CLINGER. Thank you, Mr. Marceca.

[The prepared statement of Mr. Marceca follows:]

PREPARED STATEMENT OF ANTHONY MARCECA, FORMER CLINTON ADMINISTRATION
DETAILEE

Mr. Chairman and members of the committee, I appear before you today as a witness to explain my role at the White House and the handling of FBI background files.

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This third assignment at the Office of Personnel Security was to recreate personnel security files on employees and officials from the prior Administration who continued in their positions with the Clinton Administration or who continued to have a legitimate need for access to the White House complex. It was my understanding that all personnel security files from the prior Administration had been sent to the Bush Administration archives during the transition.

In preparation for assuming my position at the White House, I met with Craig Livingstone, Nancy Gemmell and other staffers in the Office of Personnel Security. Yesterday, you received notes of an August 9th meeting I had with Ms. Gemmell. Ms. Gemmell generally discussed with me the procedure by which I was to establish the files for White House employees and those with a need for access to the White House. Although it had a lower priority than other functions I was to perform, the Update Project was one of the job functions that Ms. Gemmell discussed. Through discussions with Ms. Gemmell, Mr. Livingstone, and others I had a general sense of my responsibilities when I began work at the White House on August 18th.

The procedure I employed for the Update Project was as follows. Generally, I worked from a set of computer lists that was located in the vault in the Office of Personnel Security. I attempted to go through the names on these lists in the order in which they appeared. For each name, I would prepare a file folder and type a request on a pre-printed, xeroxed form, addressed to the "FBI, Liaison," asking for a copy of the individual's Previous Report. (I believe, but am not certain, some folders may have already been typed.) I also typed on the form the reason for the request to the FBI, e.g., "ACCESS (S)." I sent the form requesting a Previous Report to the FBI without showing it to anyone else in the Office of Personnel Security. When the Previous Report came into the office, I pulled the file I had created for the individual and reviewed the report to determine the date for the individual's next periodic reinvestigation, and to determine whether there was any information in the individual's Previous Report that could raise a question as to the individual's suitability to have access to the White House complex. In almost every case, my basic function was to, determine from the Previous Report whether a new investigation was needed. If the Previous Report showed that a background investigation had been done within the last five years, I marked on the label on the file the date when a new investigation would be needed and put the folder into the general file. If the Previous Report showed that a background investigation had not been done in the last five years, I began the task of putting together a proper file to initiate the reinvestigation process. The first step was to get the individual in question to fill out

a new SF-86, which contained, among other things, the individual's express consent to allow a new FBI full field investigation. If in the process of seeking a new SF-86, I discovered that the individual was no longer employed by, and no longer otherwise needed access to, the White House, I simply put the individual's file into what I called the "dead file."

Let me try to generally describe the set of lists that I worked from. It is not a document that I recall with complete precision, mostly because it was a routine computer print-out that was not otherwise particularly memorable. I do remember that it was a computer print-out that was in the vault of the Office of Personnel Security. It was on green and white computer paper. I believe it was approximately 18 inches wide, at least that is the picture I have in my mind. I recall that it was folded over and had connecting pages. I recall that it was approximately an inch thick. I recall the names being on the left hand column. I do not recall identifying marks at the top of the pages, but that is not to say that such marks did not exist. I have a memory, though not vivid, that there were other identifying pieces of information on these lists. I recall the computer printout was divided into various subgroups. As best I recall, there may have been a designation on the list noting the particular office within the White House. For example, you will note there are designations in the documents that I have provided that identify different offices by a letter designation. These include: G—GSA; R—Residence; N—National Security Council; S—Staff; A (or C)—AT&T or C&P; etc. My recollection is that such a designation may have been on the lists, but I'm not certain of this fact. I also believe there were other identifying features on the lists such as a date and place of birth for each individual.

On the basis of this computer print-out, I would have gone through each department by alphabet. Thus, when my detail was finished, I had completed the lists for a number of departments and was working my way down the Staff list.

I was not asked to, and I did not seek to, obtain a Previous Report on any person for any reason other than to create a current personnel security file for an individual whom I believed was properly included on the White House access list. When I obtained copies of Previous Reports, I processed each one in accordance with the procedure I describe above, and did not single out any person for special scrutiny or treat any person differently, because of who he or she may have been.

I would be pleased to answer any questions you have.

Mr. CLINGER. I would now recognize Ms. Wetzl for an opening statement.

STATEMENT OF LISA WETZL, FORMER STAFF MEMBER, WHITE HOUSE OFFICE OF PERSONNEL SECURITY

Ms. WETZL. Mr. Clinger, Mrs. Collins, good afternoon. I was employed at the White House Office of Personnel Security beginning in June 1993 as a White House intern. In August 1993, I became a staff assistant in the Office of Personnel Security and was promoted to executive assistant in the fall of 1994. I left that office in September 1995 and presently work for the Department of the Army.

All of the staff in the Office of Personnel Security at that time were located in one room in the Old Executive Office Building. Off of that room was a locked door that led into a vault that the Office of Personnel Security shared with the Office of Records Management. Others who worked in the Office of Personnel Security at that time, when I began to work there, were Craig Livingstone, Mari Anderson, and Nancy Gemmell.

At the start of my time in the Office of Personnel Security, most of our work was focused on the paperwork for full field investigations of new White House employees. This process began with the Secret Service performing an NCIC check, which usually took less than 1 day. After that check, an employee would be put on a 24-hour access list to the complex. Office of Personnel Security staff would then request an FBI name check, which was initiated by

sending over a preprinted memo to the FBI liaison. The name check took approximately 2 weeks. When the name check was favorably returned, the individual was issued a temporary hard pass.

When the name check was complete, the Office of Personnel Security sent the same preprinted memo to FBI Liaison with a request for a full field investigation. Attached to this form was a Standard Form 86, which had to be completed by the employee. Much of my initial work in the office involved making sure that these forms were filled out correctly. Once the completed forms were sent to the FBI, the results of the full field investigation were sent to an associate White House counsel.

Another project that was being undertaken was reconstructing the files of the many holdover employees, detailees, agency representatives, et cetera, who had access to the White House complex. These included permanent White House employees and those detailed to the White House from agencies. I was informed that this project was necessary because at the end of every administration all of the security files of people with access to the White House complex are boxed up and sent to the National Archives, with Presidential papers.

Therefore, there were no files on holdover employees and there was no way to tell when those employees needed to have the routine update of the FBI background investigation, that I understood was required every 5 years. This undertaking was known as the Update Project.

I became aware of the need to do the Update Project from Nancy Gemmell. Nancy was the only career employee left in the office at that time, since all of the others had retired either at the end of the Bush administration or a few months thereafter. She was our primary source of information on procedures.

Prior to her retirement in August 1993, I was at a meeting with Nancy, and Mari Anderson in which Nancy was giving us as much information as she could about what needed to be done and how it should be done.

I do not remember exactly what she said about the Update Project, but I came away with a general understanding of the goals of the project. I also knew that she had started on the Update Project and that she had left the materials she had been using in the vault.

Nancy retired at about the same time that Tony Marceca's detail began. I did not supervise or work on projects with Tony but because we were all in one room I had a general understanding of what he was doing. Like the rest of us in the office, I understood that at the start of his detail he was primarily working on the paperwork for FBI full field background investigations of new employees. At some point after he started, I understood that he began to work on the Update Project.

I do not know the details of how Tony was doing the Update Project. I could see, however, that he was using a Secret Service list because of the distinctive green and white computer paper on which these lists are printed. In addition, while I knew these lists were not entirely accurate, they were the only source of information the Office of Personnel Security could work from in trying to determine the names of all the holdover employees.

Tony left our office in February 1994. For many months no substantive work was done on the Update Project. I knew that Tony had left some files he had accumulated in the vault but I did not look at them. Nor was I aware of anyone else looking at them until I began to work on the project in the late fall of 1994.

When I first picked up the project, I looked at the materials that both Nancy and Tony had gathered in their work on the Update Project. Nancy's materials were in the vault and they consisted of a Secret Service list and hundreds of completed one-page FBI request forms with Bernard Nussbaum's name on it.

These forms were stacked in alphabetical order. When I looked at the Secret Service list she had left, I knew immediately that it was out of date. It was extremely long and appeared to contain hundreds of names from past administrations. These names were listed in alphabetical order. I do not recall that it had any indication of whether an employee was active or inactive. Although I could not be certain, it looked to me as though Nancy had attempted to complete an FBI request form for each name on the Secret Service list. I determined that these forms and the lists had so many out of date names that they would be more work to sort through than to start over from scratch. Therefore, I threw away this list and the forms.

In looking at the files Tony had accumulated, I was struck immediately by the sheer number of files. I noted that they were in alphabetical order from A to G, and the files seemed to vastly outnumber the active White House staff whose names would fall in that range. In looking at the labels on the files, I noticed many names that I did not recognize. The first name that jumped out at me was Marlin Fitzwater. I immediately concluded that Tony must have ordered previous reports for every person on whatever out-of-date Secret Service list he had been working from.

As I reviewed the names on the labels, I also determined that Tony had accumulated many of the files that I did need. I was exasperated that I would now have to sort through a lot of useless files in order to pull out the ones I needed. At no time was I alarmed by what Tony had done. I thought he had simply made a mistake that I was going to have to clean up.

The files Tony had left were color-coded with orange labels which indicated White House staff. I do not recall seeing a Secret Service list in or around those files. However, in the course of assuming the Update Project, I learned that files for several other categories of holdover employees had already been requested, I presume, by either Nancy or Tony. These files had already been incorporated into our working files of active pass holders and therefore were not grouped together in separate bins.

Over the next several months, I culled through the files Tony had left. By September 1995 when I left the Office of Personnel Security, I believed the Update Project was complete. My technique for sorting through Tony's files for determining what additional previous reports I should order from the FBI was to start with the Secret Service list. The list I used was provided to us by the Secret Service on a monthly basis, but we could ask for updated copies more frequently. I understood that this was the Secret Service's list of active pass holders.

It was well-known around our office that the Secret Service lists included names of people who no longer had active passes. I would check out each name on the list before ordering a previous report from the FBI by calling the office in the White House where that person supposedly worked. I also asked the supervisors of various offices to write me a list of the holdover employees who worked in those offices. In this fashion, I was able to develop my own list of those who were truly holdover employees.

On many occasions, I would inform the women who worked in the Secret Service office who had provided us with the lists that their lists contained names that should no longer be there or that persons were listed as working in the wrong office. As time passed, these lists became more up to date.

After determining which of Tony's files that I did not need, I put them in boxes to send to the Office of Records Management. Consistent with standard practice, I typed an inventory sheet containing the names on the labels of these files. I sent this inventory sheet with the boxes to Records Management.

In the course of finishing the Update Project, I occasionally discovered that I had sent to Records Management a file for someone who was, in fact, an active employee, detailee, et cetera. I requested and received these files back from Records Management. I put these files with all of the other files of Office of Personnel Security on active White House employees in the vault.

During the time I worked on the Update Project, I reviewed the contents only of files of employees whose active status I had confirmed. I was not reviewing the files for content, but to determine the date of their last background investigation. At no time, did anyone ask me to provide them with a file of any past administration official, and I have no knowledge of anyone in the Clinton administration using these files for any improper purpose.

Thank you.

Mr. CLINGER. Thank you, Ms. Wetzel.

[The prepared statement of Ms. Wetzel follows:]

PREPARED STATEMENT OF LISA WETZL, FORMER STAFF MEMBER, WHITE HOUSE
OFFICE OF PERSONNEL SECURITY

I was employed at the White House Office of Personnel Security (OPS) beginning in June, 1993 as a White House Intern. In August, 1993, I became a Staff Assistant at OPS, and was promoted to Executive Assistant in the fall of 1994. I left that office in September, 1995 and presently work for the Department of the Army.

All of the staff of the OPS at that time was located in one room in the Old Executive Office Building. Off of that room was a locked door that led into a vault that OPS shared with the Office of Records Management. Others who worked in OPS at the time that I began to work there were Craig Livingstone, Mari Anderson and Nancy Gemmell.

At the start of my time in the OPS, most of our work was focused on the paperwork for full field investigations of new White House employees. This process began with the Secret Service performing an NCIC check, which usually took less than one day. After that check, an employee would be put on a 24-hour access list to the Complex. OPS staff would then request an FBI name check, which was initiated by sending over a preprinted memo to the FBI liaison. The name check took approximately two weeks. When the name check was favorably returned, the individual was issued a temporary hard pass.

When the name check was complete, OPS sent the same preprinted memo to FBI liaison with a request for a full field investigation. Attached to this form was a Standard Form 86, which had to be completed by the employee. Much of my initial work in the office involved making sure that these forms were filled out correctly.

Once the completed forms were sent to the FBI, the results of the full field investigation were sent to an Associate White House Counsel.

Another project that was being undertaken was reconstructing the files of the many holdover employees, detailees, agency representatives, et al., who had access to the White House Complex. These included permanent White House employees and those detailed to the White House from agencies. I was informed that this project was necessary because at the end of every Administration, all of the security files of people with access to the White House Complex are boxed up and sent to the National Archives with Presidential Papers. Therefore, there were no files on holdover employees and there was no way to tell when those employees needed to have the routine update of the FBI background investigation that I understood was required every five years. This undertaking was known as the Update Project.

I became aware of the need to do the Update Project from Nancy Gemmell. Nancy was the only career employee left in the office at that time, since all of the others had retired either at the end of the Bush Administration or a few months thereafter. She was our primary source of information on procedures. Prior to her retirement in August, 1993, I was at a meeting with Nancy and Mari Anderson in which Nancy was giving us as much information as she could about what needed to be done and how it should be done. I do not remember exactly what she said about the Update Project, but I came away with a general understanding of the goals of the Project. I also knew that she had started on the Update Project and that she had left the materials she had been using in the vault.

Nancy retired at about the same time that Tony Marceca's detail began. I did not supervise or work on projects with Tony, but because we were all in one room I had a general understanding of what he was doing. Like the rest of us in the office, I understood that at the start of his detail he was primarily working on the paperwork for FBI full field background investigations of new employees. At some point after he started, I understood that he began to work on the Update Project.

I do not know the details of how Tony was doing the Update Project. I could see, however, that he was using a Secret Service list because of the distinctive green and white computer paper on which those lists are printed. In addition, while I knew these lists were not entirely accurate, they were the only source of information OPS could work from in trying to determine the names of all of the holdover employees.

Tony left our office in February, 1994. For many months, no substantive work was done on the Update Project. I knew that Tony had left some files he had accumulated in the vault, but I did not look at them (nor was I aware of anyone else looking at them) until I began to work on the project in the late fall of 1994.

When I first picked up the project, I looked at the materials that both Nancy and Tony had gathered in their work on the Update Project. Nancy's materials were in the vault, and they consisted of a Secret Service list and hundreds of completed one-page FBI request forms with Bernard Nussbaum's name on them. These forms were stacked in alphabetical order. When I looked at the Secret Service list she had left, I knew immediately that it was out of date. It was extremely long, and appeared to contain hundreds of names from past administrations. These names were listed in alphabetical order. I do not recall that it had any indication of whether an employee was active or inactive. Although I could not be certain, it looked to me as though Nancy had attempted to complete an FBI request form for each name on the Secret Service list. I determined that these forms and the list had so many out of date names that they would be more work to sort through than to start over from scratch. Therefore, I threw away this list and the forms.

In looking at the files Tony had accumulated, I was struck immediately by the sheer number of files. I noted that they were in alphabetical order from A to G, and the files seemed to vastly outnumber the active White House staff whose names would fall in that range. In looking at the labels on the files, I noticed many names that I did not recognize. The first name that jumped out at me was Marlin Fitzwater. I immediately concluded that Tony must have ordered previous reports for every person on whatever out-of-date Secret Service list he was working from.

As I reviewed the names on the labels, I also determined that Tony had accumulated many of the files that I needed. I was exasperated that I would now have to sort through a lot of useless files in order to pull out the ones I needed. At no time was I alarmed by what Tony had done—I thought he had simply made a mistake that I was going to have to clean up.

The files Tony had left were color-coded with orange labels, which indicated White House staff. I do not recall seeing a Secret Service list in or around these files. However, in the course of assuming the Update Project, I learned that files for several other categories of holdover employees had already been requested, I presume by either Nancy or Tony. These files had already been incorporated into our "working

files" of active passholders and, therefore, were not grouped together in separate bins.

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It was well known around our office that the Secret Service lists included names of people who no longer had active passes. I would check out each name on the list before ordering a previous report from the FBI by calling the office in the White House where that person supposedly worked. I also asked the supervisors of various offices to write me a list of the holdover employees who worked in those offices. In this fashion, I was able to develop my own list of those who were truly holdover employees.

On many occasions, I would inform the women who worked in the Secret Service office who had provided us with the lists that their lists contained names that should no longer be there, or that persons were listed as working in the wrong office. As time passed, these lists became more up to date.

After determining which of Tony's files I did not need, I put them in boxes to send to the Office of Records Management. Consistent with standard practice, I typed an inventory sheet containing the names on the labels of these files. I sent this inventory sheet with the boxes to Records Management.

In the course of finishing the Update Project, I occasionally discovered that I had sent to Records Management a file for someone who was, in fact, an active employee, detailee, etc. I requested and received these files back from Records Management. I put these files with all of the other files of OPS on active White House employees in the vault.

During the time I worked on the Update Project, I reviewed the contents only of files of employees whose active status I had confirmed. I was not reviewing the files for content, but to determine the date of their last background investigation. At no time did anyone ask me to provide them with a file of any past administration official, and I have no knowledge of anyone in the Clinton Administration using these files for any improper purpose.

Mr. CLINGER. We have now heard the statements of all of our participants this morning discussing their involvement, their personal lives. Mr. Livingstone has announced his resignation, which I think was the thing for him to do, perhaps overdue. This hearing is being conducted to get out facts surrounding the possession of more than 700 now files—we are under the 5-minute rule—files of Reagan and Bush administration employees, and let's not forget that this began as an investigation of the White House Travel Office employees.

I recognize, Mr. Nussbaum, as a lawyer myself, the litigators, the technique of turning the accuser into the accused, and I can understand that. Let me just say that the documents which I have just this morning entered into the record show numerous instances, I must tell you, of troubling activity that occurred under your tenure and we are going to want to discuss those during the course of this hearing.

So I am not going to respond to you personally, Mr. Nussbaum. I will let those documents speak for themselves. I do want to open the questioning for this hearing by going through—

Mr. WAXMAN. Point of order, Mr. Chairman. Are these documents that have been shared with the other members of the committee on the minority?

Mr. CLINGER. They have been entered into the record.

Mr. WAXMAN. Will your staff make them available to us?

Mr. CLINGER. The staff will certainly—if they have not already been made, they are a part of the record now.

Mr. WAXMAN. Are these documents that attack Mr.——

Mr. CLINGER. This is not on my time.

I do want to open the questioning this morning by going through the political history of Mr. Marceca and Mr. Livingstone leading up to their joining back together in the White House Office of Personnel Security. I think by now we have all had a lot of press accounts of the depth of their political campaign work, but I think we need to have a clear public record of their previous experience in the political arena. I think it will provide a foundation and an appropriate perspective on which we can view this individual that President Clinton entrusted with the most sensitive information on all people entering the Government service.

So Mr. Livingstone, I would start with you and just ask you, if you would, to very simply answer yes or no to some questions I want to propound to you.

We understand, Mr. Livingstone, that you worked on Gary Hart's campaign in 1984. Is that correct? Just yes or no.

Mr. LIVINGSTONE. Yes, sir.

Mr. CLINGER. And did you work on the Mondale-Ferraro campaign in 1984?

Mr. LIVINGSTONE. Yes, sir.

Mr. CLINGER. I believe you worked with Senator Tim Wirth on his campaign transition, and then in his Senate office?

Mr. LIVINGSTONE. Yes, sir.

Mr. CLINGER. Did you work for the Hollywood Women's Political Committee at some point?

Mr. LIVINGSTONE. Yes, sir.

Mr. CLINGER. And were you employed working on the Democratic Convention in 1988?

Mr. LIVINGSTONE. Yes, sir.

Mr. CLINGER. Worked for Paul Kirk at the Democratic National Committee?

Mr. LIVINGSTONE. Yes, sir.

Mr. CLINGER. And I believe you also worked for Charlene Drew Jarvis, the District of Columbia?

Mr. LIVINGSTONE. Yes, sir.

Mr. CLINGER. And also on the Clinton-Gore campaign in 1992?

Mr. LIVINGSTONE. Yes, sir.

Mr. CLINGER. And I believe you also worked for Harry Thomason on security for the Presidential Inaugural Committee; is that correct?

Mr. LIVINGSTONE. Mr. Thomason was one of the directors.

Mr. CLINGER. Right. Mr. Marceca.

Mr. MARCECA. Yes, sir.

Mr. CLINGER. Did you work as a field organizer on Senator Muskie's Presidential campaign?

Mr. MARCECA. Yes, sir, I did.

Mr. CLINGER. Did you work on Senator McGovern's Presidential campaign doing advance work?

Mr. MARCECA. No, sir. I worked as a field organizer with Senator McGovern.

Mr. CLINGER. But you did work on Senator McGovern's campaign?

Mr. MARCECA. Yes, sir.

Mr. CLINGER. Did you work on Senator John Glenn's campaign in any capacity?

Mr. MARCECA. Yes, sir, I did.

Mr. CLINGER. Did you work on Senator Hart's first campaign in 1984 then doing advance work?

Mr. MARCECA. Yes, sir, I did.

Mr. CLINGER. And did you work on the Mondale-Ferraro Presidential campaign doing advance work?

Mr. MARCECA. I did.

Mr. CLINGER. Did you work on the Gore for President campaign in 1987 doing advance work?

Mr. MARCECA. I did two trips, sir.

Mr. CLINGER. Did you work on Senator Paul Simon's Presidential campaign in 1987?

Mr. MARCECA. Yes, sir, I did. I think I did two trips for him also.

Mr. CLINGER. Did you do any opposition research on any of—on opponents at that time?

Mr. MARCECA. Absolutely never.

Mr. CLINGER. OK. Did you work with Mr. Livingstone on the Presidential Inaugural Committee?

Mr. MARCECA. I did. Could I add, sir, I worked for Ronald Reagan in 1980, when I was registered as a Republican.

Mr. CLINGER. All right. Thank you. We will let the averages figure it out here; it would be about 98 percent one-sided here.

Mr. MARCECA. I am sorry, Mr. Chairman.

Mr. CLINGER. How did you come—well, how did you come to work on the Clinton Inaugural Committee?

Mr. MARCECA. After the President won the election, I contacted Mr. Livingstone and told him that I had some use-or-lose leave to take, and I checked with our legal staff. They said it was legal to engage in Presidential Inaugural Committee activities, Mr. Chairman.

Mr. CLINGER. Mr. Livingstone, did you ask Anthony Marceca to work on the President's Inaugural with you?

Mr. LIVINGSTONE. I don't have a recollection.

Mr. CLINGER. OK. Mr. Nussbaum, could you tell us who hired Craig Livingstone?

Mr. NUSSBAUM. My recollection, Mr. Chairman, is that at the time I arrived in the White House on January 20th, 1993, or shortly thereafter, Craig Livingstone was acting already in the Office of Personnel Security. That's when Mr. Foster and I arrived.

Mr. CLINGER. You are saying that he was there when you got there?

Mr. NUSSBAUM. He was in the White House, I believe, when I got there. That's my best memory.

Mr. CLINGER. So you don't recall—

Mr. NUSSBAUM. Could I finish my answer, Mr. Chairman, please?

Mr. CLINGER. Yes.

Mr. NUSSBAUM. My recollection is that he was to report—his job was to report, because we were going to follow the procedures from the prior administration. He was going to report to Mr. Foster in that role. Mr. Foster then urged me to bring—

Mr. CLINGER. All right. Let me interrupt you because I have one more question to ask. What you are basically telling me, Mr. Nuss-

baum, is that you do not know who hired Craig Livingstone? That is my question. I now want to ask Mr. Kennedy——

Mr. NUSSBAUM. No.

Mr. CLINGER [continuing]. If he can tell us who hired Mr. Livingstone.

Mrs. COLLINS OF ILLINOIS. Mr. Chairman, the gentleman should be allowed to answer the question.

Mr. NUSSBAUM. What I am saying is——

Mr. CLINGER. The answer to the question would be yes or no, Mr. Nussbaum. Did you know who hired Mr. Livingstone?

Mr. NUSSBAUM. I think I am going to answer your question when I say——

Mr. CLINGER. It could be yes or no. Do you know who hired Craig Livingstone?

Mr. NUSSBAUM. I don't know who brought Mr. Livingstone into the White House.

Mr. CLINGER. That is the answer to my question.

Mr. NUSSBAUM. But Mr. Foster——

Mr. CLINGER. I want to ask Mr. Kennedy if he knows who hired Craig Livingstone.

Mrs. COLLINS OF ILLINOIS. Point of order, Mr. Chairman. This is rude, Mr. Chairman. Point of order.

Mr. NUSSBAUM. Mr. Chairman——

Mr. CLINGER. It just requires a simple yes or no answer. Does the witness know who hired Craig Livingstone?

Miss COLLINS FROM MICHIGAN. Point of order. You are not letting him answer.

Mr. NUSSBAUM. Mr. Chairman, let me tell you, I asked Mr.—Mr. Foster had to make a determination, had to make a determination, since this person was reporting to him, whether this person was obviously, you know, competent to do that position. Mr. Foster obviously, you know, obviously made such a determination because if he would have made another determination he would have come to me and we would have gotten rid of him. So I—but the answer to your question is, Mr.—precisely who brought him into the White House, I do not know.

Mr. CLINGER. Thank you.

Mr. NUSSBAUM. But nonetheless we have responsibility for his holding that position in the White House.

Mr. CLINGER. Thank you.

Mr. Kennedy, would you respond to whether you know who hired Craig Livingstone?

Mr. KENNEDY. Are you going to let me answer, Mr. Chairman?

Mr. CLINGER. It seems to me it requires a simple answer, yes or no. Do you know who hired Craig Livingstone?

Mr. KENNEDY. Mr. Chairman, I have got to give a long answer just like Mr. Nussbaum tried to do.

Mr. CLINGER. I am not quite sure why that is necessary, but you may proceed.

Mr. KENNEDY. Mr. Chairman, when I arrived, I arrived subsequently later than Mr. Nussbaum. I arrived the first week in February and went on the payroll on February the 10th, I believe. When I arrived, Craig was acting as Acting Director of the Office of White House Personnel Security. I was informed by Mr. Foster

that that was the position he was under consideration for. I don't know who told Mr. Foster that or on what basis.

Mr. CLINGER. I understand. So neither of you gentlemen hired him and neither of you know basically who did hire him.

Mr. NUSSBAUM. He could not have continued in that position unless Mr. Foster, I or Mr. Kennedy made a determination that he could continue in that position.

Mr. KENNEDY. That's correct.

Mr. NUSSBAUM. Because he was reporting to us.

Mr. KENNEDY. That is correct.

Mr. NUSSBAUM. So ultimately, Mr. Chairman, I take responsibility for Mr.—

Mr. CLINGER. Oh, good.

Mr. NUSSBAUM [continuing]. Livingstone being the head of the office, the head of the Office of Personnel Security.

Mr. CLINGER. Thank you very much.

My time has expired and I would now yield 5 minutes to the gentlelady from Illinois.

Mrs. COLLINS OF ILLINOIS. Thank you, Mr. Chairman.

Mr. Chairman, I want to say right off the bat that I have, as a former precinct captain, I have worked in every election, every democratic election, since President Johnson, and I am proud of that fact. And never at anytime did I ever try to find any dirt on anybody.

Ms. Lisa Wetzl, when you determined that Mr. Marceca had ordered too many files, did you bring that to Mr. Livingstone's attention and what was his reaction?

Ms. WETZL. To the best of my recollection, I mentioned it to Craig and his reaction was not memorable. I don't recall that there really was one, besides him saying, oh, Tony or something like that.

Mrs. COLLINS OF ILLINOIS. Now, in your written—in your opening statement, you said that you discovered that Mr. Marceca had gathered hundreds of FBI files on individuals who no longer worked in the White House. You didn't believe this to be particularly memorable. What did you do with those files and why didn't you send them immediately back to the FBI?

Ms. WETZL. Well, it was my understanding that any paperwork that was in our office that was to be moved out of our office had to go to Records Management. In fact, that had been told to me before by Nancy Gemmell before she left that any paperwork that our office disposed of went through Records Management. And what I did with Tony's—those files that Tony had left, was I kept them for awhile, as I went through them to try to figure out who—who of those files I did need; who was a holdover employee in those files. And that took quite a bit of time. And then once I had to my satisfaction figured that out, then I boxed them up and sent them to Records Management.

Mrs. COLLINS OF ILLINOIS. Well, how do you think it happened that Mr. Marceca requested so many files of individuals from the previous administration?

Ms. WETZL. Well, I can only assume, and what I assumed at the time was that he had gone—his Secret Service list that he had

gone through he had ordered every file rather than looking at the list qualitatively.

Mrs. COLLINS OF ILLINOIS. Mr. Marceca, why did you request so many files from the FBI?

Mr. MARCECA. Ma'am, I was going down the list that I had of people that I understood were on the access list and that they were supposed to be allowed access to the White House, and I understood that I was to create files, recreate files on everybody on that list. I had no knowledge that there was no one—when I started that list, I had no knowledge that there was anybody on that list that was not supposed to have access to the White House.

Mrs. COLLINS OF ILLINOIS. Now, Ms. Wetzl said that there is a review of employees who were remaining at the White House every 5 years. Was there no breakout as to which employees had been there for 5 years and which had not been there for 5 years, or anything like that?

Mr. MARCECA. At this moment, that's news to me. I don't know anything about that.

Mrs. COLLINS OF ILLINOIS. You don't know anything about the 5-year update?

Mr. MARCECA. I am sorry, ma'am. I know about that we do reinvestigations every 5 years. But are you referring to that or are you referring to some—

Mrs. COLLINS OF ILLINOIS. No. I am just saying that you knew that there were some employees who were holdover employees who had been there for a long period of time. You would think that since they had been there, say in the previous administration, which was only for 4 years, that their credentials would have been OK and didn't need to be followed up because they were holdover employees and the 5-year period had not expired.

Is that not the way it was done or am I looking at it in the wrong way?

Mr. MARCECA. Well, ma'am, when I was doing my update, if they did not need a new reinvestigation, they were on the access list, I presumed that they were—that they were qualified, bona fide people that should enter the White House. And, therefore, I—if they had—if they didn't need a reinvestigation, I put the file right into the file folder or into the files and things went along fine. It was only if I could not find them that I did something different.

Mrs. COLLINS OF ILLINOIS. OK.

Ms. Wetzl, would you say that Ms. Gemmell—the lists that you and Ms. Gemmell or the list that she had left you was an outdated list?

Ms. WETZL. Yes.

Mrs. COLLINS OF ILLINOIS. OK. And that is why you think that you saw these different names on there, people that you knew were in other administrations?

Ms. WETZL. On her list?

Mrs. COLLINS OF ILLINOIS. Such as Mr. Fitzwater, you said that you knew that—

Ms. WETZL. Well, that was two separate—I saw Marlin Fitzwater's name on the files that had been created by Tony. I—I don't recall specifically his name on Nancy's list, but it was pages

and pages of names that I did not recognize and included previous administration employees.

Mrs. COLLINS OF ILLINOIS. When you took over the Update Project, did you request a list from the Secret Service of those individuals that needed access?

Ms. WETZL. To the best of my recollection, we used—they gave us a monthly list, and I used that and went—combed through it and any names that I didn't recognize was a red flag to me. After working in the office for a couple of years, I recognized most of the names and so any name I didn't recognize was a red flag to me to look into it.

Mrs. COLLINS OF ILLINOIS. Well, by and large was the list that they sent you, was that accurate or did it continue to contain names of people who no longer worked in the administration?

Ms. WETZL. It continued to contain names that were no longer active pass holders, yes.

Mrs. COLLINS OF ILLINOIS. Why do you think that was?

Ms. WETZL. Human error.

Mrs. COLLINS OF ILLINOIS. A recurring human error by the Secret Service?

Ms. WETZL. There were—the list itself was—there were misspellings. There were names listed under wrong agencies. I would call that office to find out if that person still worked there. They would tell me, we never heard of them.

Mrs. COLLINS OF ILLINOIS. Let me interrupt you and say, well, could you describe what you did after you received the Secret Service list to determine its accuracy and what you found? What did you do? What process did you use?

Ms. WETZL. I would go through the list and any name I didn't recognize, I would look into it. I would see if we had a file on them. I would see if we didn't have a file on them, I would call their office to find out if they were still there. Finally, what I did was call the supervisors of each of the various offices and ask them to send a list of holdover employees and that, coupled with the Secret Service lists, seemed to be pretty effective.

Mrs. COLLINS OF ILLINOIS. So it seems like in the end you ended up assisting the Secret Service in updating and correcting their list. Would that be an accurate statement?

Ms. WETZL. Yes.

Mrs. COLLINS OF ILLINOIS. Thank you.

Mr. CLINGER. The gentlelady's time has expired. I am now pleased to recognize the gentleman from Indiana, Mr. Burton, for 5 minutes.

Mr. BURTON. Mr. Chairman, I have before me—could I have the attention of the committee—I have before me a letter from the Secret Service, and they say in this letter that the Secret Service data bases do not produce documents in the format such as the one described above, and the one described above they are talking about is the personnel security file lists that you are talking about. The Secret Service said they did not produce that list. So the list had to come from somewhere else. We don't know where it came from. We are going to get to the bottom of it and find out, but the Secret Service said they did not produce this list.

Ms. WETZL. Are you speaking to me?

Mr. BURTON. I am not asking any questions now. I am making some statements.

Ms. WETZL. I could answer you.

Mr. KANJORSKI. Point of order. Are we making—

Mr. WISE. Let the witness see the letter.

Mr. KANJORSKI. Yes, let the witness see the letter and respond to it.

Mr. BURTON. I will be happy to let her see it.

Mr. WISE. Let her see the entire letter.

Mr. BURTON. I will be happy to let them see it on your time.

Mr. WISE. Is this a star chamber, Mr. Chairman? Aren't we trying to get at the truth?

Mr. CLINGER. The gentleman from Indiana has the time. He has indicated that he will make the letter available. It will become a part of the record. The witnesses will have an opportunity to see the letter.

[The information referred to follows:]

DEPARTMENT OF THE TREASURY,
UNITED STATES SECRET SERVICE,
June 19, 1996.

The Honorable Charles Grassley
United States Senate
Washington, D. C. 20510

DEAR SENATOR GRASSLEY: I have received your letter to Secretary Rubin, dated June 14, 1996, which is also signed by Senators Bond and Shelby.

Enclosed you will find our responses to the question's concerning White House passholder lists and procedures which were posed in your letter. We hope that these responses, as well as our previous briefings, which were provided at the direction of Secretary Rubin, have been helpful.

If additional information is needed please feel free to contact the U.S. Secret Service Office of Congressional Affairs at (202) 435-5676.

WILLIAM H. PICKLE,
Executive Assistant to the Director (Congressional Affairs).

1. Yes, the Secret Service has one passholder database, called EPASS. Although select information from the EPASS database is "electronically" sent into another computer system known as WAVES (Workers and Visitors Entry System), EPASS data remains separate and apart from other databases contained within the WAVES system. The EPASS database is not commingled with other databases. Although operated by the Secret Service for security reasons, the appointment and visitor information contained within the WAVES System belongs to the White House Administration.

2. Yes, the EPASS database does indicate whether a passholder is inactive or active.

3. Upon the arrival of the present administration, a printout of the full passholder list (active and inactive) was generated and provided to the incoming staff. "Active" passholder printouts were provided to the administration upon request, on at least a monthly and sometimes a weekly basis.

4. The EPASS and WAVES (visitors and appointments) databases are separate and distinct although they are downloaded as separate databases into the one WAVES computer system. Information regarding passholder status is downloaded from EPASS to the WAVES system for use by Secret Service Uniformed Division officers at entry points. This information is stored separately to avoid commingling of passholder and visitor data.

5. Those authorized to request or receive copies of information contained in the passholder database include designated representatives of the Office of Management and Administration, White House Legal Counsel, White House Office of Security, and the Office of Security for the Executive Office of the President. It should be noted that representatives from other offices (e.g. GSA, Volunteers) would be provided passholder lists relating to their respective offices, upon the approval of White House management personnel. The passholder printouts are generated by the

WAVES printer. The information contained in the printout comes from the downloaded information which originated from the EPASS database and sent "electronically" into the WAVES computer system.

6. In 1993 and early 1994, the primary requestor of passholder lists was Craig Livingstone, Director of the White House Security Office. The lists were generally provided to a representative of Mr. Livingstone's office, specifically Nancy Gemmell, Mary Anderson or Lisa Wetzl. Another requestor was Mr. Charles Easley, Security Officer for the Executive Office of the President. The lists were generally picked up by Easley or his designee, Mark Frownselter.

7. Supervisors and technical experts associated with our Access Control Branch during the past six years have opined that the list shown to us by the committee, entitled "I. WHITE HOUSE PERSONNEL SECURITY FILES STAFF PRIOR TO 01/20/93" was not produced by the Secret Service. Secret Service databases do not produce documents in the format such as the one described above. It should be noted that there are misspelled names on the subject document, which conflict with the spelling of the what is believed to be the intended name which is recorded in the Secret Service EPASS database.

8. Attached to this memorandum is a copy of the list of, passholder names provided by the committee. We have typed, beside each name, the date upon which the pass was deactivated in EPASS. Five of the passholders listed are in active status.

9. Both supervisory and technical experts familiar with our EPASS system are unaware of any flaws which would cause an outdated list to be produced. The lists which are produced by the Service are a reflection of passholder status information which is provided to the Secret Service by White House Administration officials. We continue to examine all aspects of the Secret Service passholder database and access control systems and to date have discovered no flaws which would result in database generated printouts containing outdated information. Additionally, we have been unable to uncover any database flaws which would have resulted in a breakdown of the Access Control System and its Security function.

When a list is requested, it is printed with the "run date" indicated at the top of the print-out. The system cannot recreate a list as it existed on a past date.

Mr. CLINGER. The gentleman from Indiana has the time.

Mr. BURTON. I hope the interruption did not take away my point.

Mr. SPRATT. I want to make this a point of procedure, Mr. Chairman. If a witness is to be examined about a document, the witness and her counsel should have access to it and it should be before her and no reference—

Mr. CLINGER. The point of order is not in order because the gentleman was not asking the witness a question about the document. He was indicating that this was a letter that we had received—

Mr. SPRATT. He is testifying.

Mr. CLINGER [continuing]. Which you will have an opportunity to see.

Mrs. COLLINS OF ILLINOIS. May we have a copy of that letter now, Mr. Chairman?

Mr. CLINGER. Of course.

Mrs. COLLINS OF ILLINOIS. Thank you.

Mr. BURTON. Of course.

Mr. CLINGER. The gentleman from Indiana is recognized.

Mr. BURTON. Don't take away from my time for that interruption, Mr. Chairman.

Mr. CLINGER. I will give you another minute.

Mr. BURTON. In addition, I am happy that Mr. Nussbaum has accepted the authority for hiring the gentleman.

Mr. NUSSBAUM. Mr. Burton, he couldn't stay in the job unless, you know, Mr. Foster—

Mr. SHADEGG. Regular order.

Mr. BURTON. I would just like to say you can delegate authority but you cannot delegate responsibility. You were the Counsel to the President.

Mr. NUSSBAUM. That's right.

Mr. BURTON. You were the President's spokesman. And there were between, by my count, 14 and 23 separate requests made of the FBI for these files, and although your name wasn't signed on them, your name was on them. And for there to be 14 to 23 requests and you to be the Counsel for the President and the supervisor—he supervisory agency over this gentleman, and to not know about it, you know, that—that is something that should be questioned.

Mr. NUSSBAUM. You heard Boyden Gray testify. Could I answer you?

Mr. BURTON. No, I am not asking any questions.

Mr. NUSSBAUM. You are not interested in an answer now.

Mr. BURTON. I am making some comments now.

Mr. NUSSBAUM. I see.

Mr. BURTON. I want to know, and I hope to find out where this list came from, because as I said before—and we are making this available—the lists did not come from the Secret Service, according to them.

Now we are up to 700 people who have had their files brought from the FBI to the White House. It's been stated that this has not happened before; it was a stupid mistake. That stretches credulity.

Similar action was taken by the State Department in September 1993 when there were 165 personnel files rummaged through, and Mr. Mark Schulhoh called the Washington Post not once but 45 times, spring and summer of 1993, to get—to try to get into the paper some dirt on those people, and two were reported, Jennifer Fitzgerald and Elizabeth Tampusi.

Now, the two gentlemen in question here, let's talk a little bit about their background. Dennis Casey in a sworn deposition said—and I quote:

Mr. Livingstone had a legal pad with him; this is during the Hart campaign; and he began to report on some peccadillos and vulnerabilities of those persons in hopes of either neutralizing them or getting their support switched from Mondale to Hart.

I do not recall the names of the leaders at this time, but I do recall a number of them were from the Beaver County area, of which Mr. Livingstone was a native. I should note, too, that's a strong labor section and a heavy voter Democratic registration area.

I was greatly upset with Mr. Livingstone, as I viewed the matters he was reporting as personal matters that would adversely affect the lives and families of those people. . . . Mr. Livingstone disagreed, and I reinforced my direction to him to stop that type of work. He, as I recall, left the room angrily.

That evening, I met Mr. Marceca, who I understand was a member of the Hart national campaign staff assigned to Pittsburgh. . . . He talked to me about the worth of Mr. Livingstone's information, and I recall he stated it was time for the Hart campaign to play hardball with the dirt Mr. Livingstone had gathered.

And later, Mr. Marceca, I understand, was accused of taking money from the petty cash box and the two were removed from the Pennsylvania campaign.

The point I am trying to make is, there was a history of this type of activity, and also Mr. Livingstone has admitted to using various kinds of drugs. Now, to put people who have this kind of problem—

Mr. KANJORSKI. Mr. Chairman, point of order.

Mr. CLINGER. The gentleman will state it.

Mr. KANJORSKI. If we are having a hearing and witnesses here, maybe we can allow them to go home so that the members on that side could just testify instead of question?

Mr. CLINGER. As I indicated at the outset of the hearing, and I indicated that we would not accept opening statements from members of the committee but that they could use the 5 minutes for the purpose of making an opening statement.

Mr. KANJORSKI. Are you going to allow the witnesses 5 minutes to respond to some of the incorrect factual information being put in the record by the members of the committee?

Mr. CLINGER. The gentleman from Indiana is recognized for an additional minute due to the fact that there have been some interruption.

Mr. BURTON. Everything that I have said is documented either with a sworn document or by a letter from the Secret Service.

Now what I am saying is—and I will pose this as a question to Mr. Kennedy, the—when you hire somebody to put them in a position of the importance of Mr. Livingstone, I assume you get an FBI background check, and I assume that in that background check you would have found out some of this information that I have raised right now, that would have been questioned by you, and also his use of drugs in the past. And it seems to me that those would have been questions that would have been put to him before he was hired and put in that sensitive position.

If he was a political operative with this kind of a background, why would you give him access to FBI files on Republicans to the tune of 700?

Mr. KENNEDY. What is your question, Mr. Burton?

Mr. BURTON. You didn't understand that?

Mr. KENNEDY. If you would restate your question, I will answer it.

Mr. BURTON. I will state it one more time. That is, you get FBI background checks when you hire somebody for sensitive positions at the White House. I am sure you would agree with that.

Now, in that background check from the FBI, you found out or you already knew that he used numerous kinds of drugs in the past, No. 1; and, No. 2, you would have found out that he was a political operative, and you would have found out about this foray into nefarious activities of other people during the Hart campaign, and if you found that out from those FBI reports, why would you put somebody like that in a position of sensitivity like he was in, who had access to getting as many as 700 files from the FBI?

Mr. KENNEDY. Congressman Burton, I am prohibited by the Privacy Act from commenting about anything in anybody's background, and thus—I don't know the source of your allegations, but I cannot talk about the information that I know from reviewing anyone's background.

Mr. CLINGER. The gentleman's time has expired.

[The prepared statement of Hon. Dan Burton follows:]

PREPARED STATEMENT OF HON. DAN BURTON, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF INDIANA

Mr. Chairman, I commend you for holding this hearing today. We on this committee are exercising our fundamental right and responsibility to conduct thorough

Congressional oversight. If it were not for this committee passing a contempt resolution earlier, the American public would never have known about this Administration's misuse of the FBI files.

In Cal Thomas' column last Sunday, June 23, he reminds us that Charles Colson, in the Nixon administration, received a one to three year prison sentence for, among other things, giving one FBI file to a reporter. That was one file. The Clinton White House improperly obtained 408 files. I believe that this underlies the importance of why we're here today. There may have been criminal acts committed.

I think that it is clear from the information this committee has received that Mr. Craig Livingstone's background was not suitable for the nature of the work he did in the White House, to say the least. Not only has he admitted to past drug use, but I think that a career political operative, whether Republican or Democrat, should not be put in charge of handling sensitive personal information such as that contained in the FBI files. This committee and the those unfortunate individuals whose privacy was compromised have a right to know who hired Mr. Livingstone, and why he was kept in his position after his prior drug use became known.

I think it seems unlikely that Mr. Livingstone would take the initiative on his own to obtain the confidential FBI files, without being directed to do so by someone higher up in authority. If someone higher up was in fact responsible, I think it would be disgraceful for that person to avoid responsibility and make Mr. Livingstone and Mr. Marceca take the fall.

In November 1992, Bill Clinton said that "If I catch anybody using the State Department like that when I'm President, you won't have to wait until after the election to see them gone. The State Department of this country is not going to be fooling with Bill Clinton's politics and if I catch anybody doing it I will fire them the next day." Why has Mr. Livingstone not been fired, as the President promised?

This committee and the American people have a right to know why Mr. Livingstone has not been fired. We need to have Mr. Livingstone's superior appear before this committee at a future hearing to answer this important question.

Mr. CLINGER. The gentleman from California, Mr. Waxman, is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman, first of all, I want to ask all of our witnesses, do you understand the seriousness of testifying before a committee of the Congress under oath and that if you lie to us, that you could be prosecuted for the crime of perjury? Do you all understand that?

Mr. MARCECA. I do, sir.

Mr. NUSSBAUM. Yes.

Ms. WETZL. Yes.

Mr. LIVINGSTONE. Yes.

Mr. KENNEDY. Yes.

Mr. WAXMAN. Now, understanding that fact, you have all admitted there was a terrible mistake, a huge bureaucratic blunder.

Do any of you at this witness table know whether any political use was made of the lists that were obtained from the FBI, whether there were any enemies lists compiled for political purposes, or whether any of this information was disseminated to anybody outside of the White House?

Mr. LIVINGSTONE. Absolutely not, sir.

Ms. WETZL. No.

Mr. NUSSBAUM. No, sir.

Mr. KENNEDY. No, sir.

Mr. MARCECA. No, sir.

Mr. WAXMAN. We have had testimony here that what we have had is a serious bureaucratic blunder. I wouldn't want to minimize it in any way, but, Mr. Chairman, I don't think it ought to be blown out of all proportion.

I am appalled that a Member of Congress, who is protected by the Constitution from any liability for anything any of us say,

would start to go on attack about somebody's prior presumed maybe drug use or what somebody else said somewhere else about him. I just think that that is sheer McCarthyism.

Mr. BURTON. Would the gentleman yield?

Mr. WAXMAN. No, I won't.

Mr. BURTON. It's in the report.

Mr. WAXMAN. Let me further go on to say that this isn't a hearing to get to the bottom of this issue; this is a hearing to smear President Clinton and his administration, to be reckless with the truth for partisan purposes; and it is not worthy of this committee, Mr. Chairman. It's not worthy of this committee.

Before we had any evidence, the chairman held a press conference and he accused Mr. Nussbaum of, at best, being unethical and, at worst, committing a felony.

Mr. Chairman, that was a reckless statement. I think we ought to have any evidence that you or any of your colleagues have that any improper use was made of these files, that, in fact, Mr. Nussbaum acted the same as every other counsel to the President, as we heard last week, when we heard from the counsels to the President Reagan and Bush. I think he is due an apology, and I will yield to you to try to justify the kind of statement that you made attacking Mr. Nussbaum's credibility and forthrightness and integrity.

Mr. CLINGER. I have already stated that I can understand the attempt to demonize the accuser, but this is not a question of whether or not he was accused of anything.

I said that there was a memo under his name that requested these documents, and clearly that was a reason enough to begin to ask the questions that we have been asking ever since. The memo was to get Billy Ray Dale's file. There was no possible justification for receiving that file—

Mr. WAXMAN. Mr. Chairman.

Mr. CLINGER [continuing]. Given the fact that Mr. Dale had been out of the White House for 7 months.

Mr. NUSSBAUM. Mr. Chairman.

Mr. WAXMAN. I will reclaim my time.

Mr. NUSSBAUM. Could I say something, Mr. Chairman?

Mr. WAXMAN. It is my time. If you want to respond briefly, Mr. Nussbaum.

Mr. NUSSBAUM. Mr. Chairman, as you now know, I never saw that memo, that typewritten form. It was a form that had been used for 30 years. Other counsel never saw those forms either, as you heard last week.

Why didn't you just pick up the phone, Mr. Chairman, and call me before you went on national television to say, at best, I'm unethical and, at worst, I am a felon?

You called Billy Dale, Mr. Chairman. You had him stand out in your press conference, but you didn't call me. We know each other, Mr. Chairman. I am surprised you didn't do that, Mr. Chairman.

Mr. WAXMAN. Mr. Chairman, if I could reclaim my time. At the time, Mr. Chairman, you made your press statement accusing Mr. Nussbaum, you thought perhaps he knew that the information was being acquired from the FBI. You now know, in his statement under oath, that that's not accurate.

Do you want to make any changes in your statement accusing him of being perhaps a felon? Or are we on the track of personal destruction for partisan purposes, our reckless use of the committee to try to smear people, to hope that maybe the Republicans will gain? Is that what we have come to?

This committee started this investigation because the chairman thought that Mr. Dale was being treated unjustly. That may well have been true, but are we going to substitute another injustice, accusing Mr. Nussbaum and others at this table?

I want to yield to you, Mr. Chairman, if you have anything further you want to say, because I think this gentleman is owed an apology.

Mr. CLINGER. Let me ask Mr. Nussbaum: Were you aware that during the time of the White House Management Review, which was during your tenure, that your office obtained the personnel files of all seven Travel Office employees?

Mr. NUSSBAUM. Mr. Podesta, in connection, I gather—I learned today, Mr. Podesta in connection with the Management Review—

Mr. CLINGER. You did not know that those files—

Mr. NUSSBAUM. I did not know, Mr. Chairman, because the Management Review was done in a way to sort of—since it involved in our office, we were sort of conflicted out of the management review, and that is why Mr. Podesta and Mr. Stern were delegated by Mr. Panetta and Mr. McLarty to conduct the management review.

So the answer to your question is, no, I did not know that Mr. Podesta obtained the personnel files.

Mr. WAXMAN. Mr. Chairman, reclaiming a minute or so of my time.

Mr. CLINGER. Less.

Mr. WAXMAN. What is so amazing to me is why every administration took all these files with them and it all had to be recreated.

Mr. CLINGER. Under law, they are required to take them with them.

Mr. WAXMAN. Mr. Chairman, it is my time. Mr. Chairman, it is my time, and I want to be given additional time the way you did Mr. Burton.

Mr. CLINGER. No.

Mr. WAXMAN. Why did they take these files? And what security is there with all of these files taken from the FBI in Mr. Bush's or Mr. Reagan's library?

I think there are a lot of questions we ought to have answered, because it seems to me that people who follow procedures that didn't make any sense—and I am—it's unfortunate that we have come to this to correct the crazy procedures that were followed by this administration, but they were the same procedures that were followed by the Reagan and the Bush administration.

Mr. CLINGER. The gentleman's time has expired.

I would now recognize the gentlelady from Maryland, if she would yield to me for just one comment.

Mrs. MORELLA. Indeed I will yield to you for a comment, Mr. Chairman.

Mr. CLINGER. Only to make the point to the gentleman from California that under the Presidential Records Act all files must be removed from the White House when an administration leaves.

They then become a part of the Presidential library for that President. We may want to change that, but under the present situation, that is the law.

Mr. WAXMAN. Where are the safeguards for their privacy if they are given away to these Presidential libraries?

Mr. CLINGER. The gentlelady from Maryland has the time.

Mrs. MORELLA. I yield 5 seconds to the gentleman from Indiana.

Mr. BURTON. I just want to say that the statements I made came out of records, Mr. Livingstone's sworn statement. None of this was hyperbole. It all came out of records that were sworn to.

Mrs. COLLINS OF ILLINOIS. Well, it still wasn't a nice thing to do.

Mrs. MORELLA. Now I guess I could commence. Mr. Chairman, I think it is absolutely appropriate that this Committee on Government Reform and Oversight be searching for the truth. The American people deserve it. And last week at the hearing we heard from witnesses who detailed how things were done in previous administrations, and we appear to see a contrast to today's testimony.

I think there are some very critically important questions that we are posing to the witnesses that need to be answered: Why these 707 FBI files were requested; what was done with these files; why did we have long-time political operatives, Craig Livingstone and Anthony Marceca, in positions that allowed them to have access to and hold on to such sensitive information? We are trying to determine who hired them. Why weren't these files sent back to the FBI once they were discovered? And I think at the heart of today's hearing is the question, who is responsible for these actions?

I did have a chance to review the depositions taken by this committee. It is clear that while there is a lot of finger pointing and confusion, there are still many questions that are unanswered. And ultimately we must answer this question: Was this the result of gross and inept mismanagement, or was it kind of digging for dirt with another motive?

At a minimum, a terrible breach of privacy has occurred where more than 700 citizens, many of whom are my constituents, have been victimized by the White House.

If I wanted my own FBI file, I would need to file a Freedom of Information Act request. And today there is a backlog of about several years in order to get that information. They are still processing 1992 requests. And yet over 700 people, people who couldn't even get their own files if they requested them, are uneasy because they know that in their files they are in an unlocked vault in the White House. They were requested by interns, from what we heard at the last hearing, and without any kind of security clearance. They were stored in a vault with a photocopy machine nearby. There is no way to respect our citizens' most private information.

I wanted to just ask a few questions in my time that I have. Mr. Livingstone, I am going to direct many of them to you, sir.

What I wanted to ask you is, can you describe the type of activities that you had interns and volunteers performing in the White House Office of Personnel Security during 1993?

Mr. LIVINGSTONE. I believe it was our practice specifically, when we had an intern or a volunteer, for myself and others on our staff to first brief them about the nature of some of the documents that we did have in our office as to the sensitivity.

As in other areas of the White House, we briefed them on what top secret and secret documents looked like, blue and orange covers, and that if they ever saw documents like that, they were not to peruse them.

Mrs. MORELLA. Did interns ever participate in the requisitioning of FBI background files?

Mr. LIVINGSTONE. I don't know the specific answer to that question.

Mrs. MORELLA. I think it is yes. Did interns ever assist in—

Mr. LIVINGSTONE. Well, if I could expand on it, ma'am?

I believe that the general practice in our office was, at the direction of a staff member, that an intern may well have word-processed a document for the request. But a staff member always initiated that work and asked for that work to be submitted to the FBI.

Mrs. MORELLA. Did the interns have security clearance?

Mr. LIVINGSTONE. No ma'am.

Mrs. MORELLA. They did not, right.

And then to Mr. Nussbaum, with regard to your statement about you didn't know what was happening, was it your—didn't your name have to be on the FBI file request forms that were being filled out by the interns? I mean, whether it was a stamped name of yours or not, did it have to be on that?

Mr. NUSSBAUM. As I understand it, for 30 years that basically same form was used with the White House Counsel's name, whether it was me or Boyden Gray or people prior to Boyden Gray, stamped on that form. That's what I understand right now.

Mrs. MORELLA. OK. I mean, what that means then is that because your name is on that form, even though it had been customary, that you do assume responsibility?

Mr. NUSSBAUM. Of course, yes. I do assume responsibility. I was the senior person in the White House Counsel's Office. The Office of Personnel Security reported to the White House Counsel's Office. It was not part of the White House Counsel's Office, but it reported to it. This happened, as I said in my statement, Congresswoman, on my watch, and I do assume responsibility.

Mrs. MORELLA. Did you know, sir, that the interns did not have security clearance?

Mr. NUSSBAUM. I was not familiar with whether the interns had security clearances or not. I left that to other people on my staff. But I do understand, Congresswoman, that the interns were never given access to any, or never viewed, to the best of my knowledge, any information that they shouldn't view.

What they were relegated to doing, it is my understanding, were file functions, mechanical functions, typing up labels and things like that. So I have no knowledge that any intern ever violated those kind of restrictions.

Mrs. MORELLA. You may not know that, sir, but they may have. I have great qualms about the kind of sensitive information that is on those forms. I have seen that Standard Form 86, and the fact that you could listen to what some neighbor says about you—I have a question about whether there is any IRS tax—

Mr. CLINGER. The gentlelady's time has expired.

Mrs. MORELLA [continuing]. Whether there is any IRS information, tax information in any of those forms.

Ms. WETZL. Who are you asking?

I can answer it.

Mrs. MORELLA. I would like to ask you, then.

Ms. WETZL. For previous administration employees whose previous reports we were asking for, we would not receive any tax information. It is part of the permanent pass process for a new employee that they fill out a waiver saying that, yes, we can ask the IRS for a review of their tax records. So yes, the IRS does send back a summary report to us for new employees or for people undergoing a reinvestigation.

Mr. CLINGER. The time of the gentlelady has expired.

[The prepared statement of Hon. Constance A. Morella follows:]

PREPARED STATEMENT OF HON. CONSTANCE A. MORELLA, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MARYLAND

Mr. Chairman, I want to thank you for holding this critical hearing today, and for your continued leadership on this issue. Last week we heard from witnesses who detailed how things were done in previous Administrations—what a stark contrast to today's testimony.

Mr. Chairman, this committee must raise some critically important questions, and our witnesses today are here to give us answers. We must determine why these 407 FBI files were requested and what was done with these files—and why we have just learned of hundreds of more files on a disk Mr. Marceca took? Why were long-time political operatives Craig Livingstone and Anthony Marceca in positions that allowed them to have access to and hold on to such sensitive information, and who hired them? Why weren't these files sent back to the FBI once they were discovered? At the heart of today's hearing is the question: who is responsible for these actions?

I have reviewed the depositions taken by this Committee, and it is clear that while there is a lot of finger pointing and confusion, many questions remain unanswered.

Ultimately, we must answer this question: was this the result of gross and inept mismanagement, or something far more sinister?

At a minimum, a terrible breach of privacy has occurred. More than 400 citizens, many of whom are my constituents, have been victimized by the White House. If I wanted my own FBI file, I would need to file a Freedom of Information Act request. Today there is a backlog of several years; they are still processing 1992 requests. Yet over 700 people—people who could not get their own files if they requested them—are uneasy because they know that their files have been in an unlocked vault in the White House. These files were requested by interns without any kind of security clearance, stored in a vault with a photocopy machine nearby. This is no way to respect our citizens' most private information.

Today's hearing is a critically important step en route to discovering the truth about these FBI files.

Mr. CLINGER. I now recognize the gentleman from California, Mr. Lantos for 5 minutes.

Mr. LANTOS. Thank you, Mr. Chairman.

Last week I suggested that this is a political witch-hunt and this hearing fully confirms that earlier judgment. While I have no way, Mr. Chairman, to compel you to do that, as an old friend, I respectfully request that you submit to all members of this committee the political activities of the all members of the majority staff during their entire career.

I want to know on what campaigns the majority staff members worked during their entire career, because this is what we are asking these people. Most of the staff here are not civil servants. They are obviously working occasionally on political campaigns. This is in the American democratic tradition.

I will ask my good friend, Congresswoman Collins, to do the same. I want to know, since it has been portrayed as a crime to

work on the Muskie campaign or the Hart campaign or the Mondale campaign, we would like to know——

Mr. CLINGER. Will the gentlemen yield?

Mr. LANTOS. Not unless you give me extra time.

Mr. CLINGER. I will give you 30 seconds.

Mr. LANTOS. Please, Mr. Chairman.

Mr. CLINGER. I would just point out that the difference here is that in previous administrations apolitical people were put in these jobs. The only thing we were suggesting was inappropriate was to put people that had very, very long political resumes, to put them in a position to be looking at very sensitive files.

I would yield back.

Mr. LANTOS. Will you also provide that list for the use of committee, Mr. Chairman?

I request it.

Mr. CLINGER. We will discuss that after this hearing, but I am not sure I understand exactly what you are asking for.

Mr. LANTOS. We will see.

Let me also say that since all of you are under oath, I will want at the conclusion of my comments to go around and get an answer to a very simple question, did anybody above you in rank direct you to undertake the collection of FBI files for political purposes? I will ask that when I am finished.

I must say, Mr. Livingstone, that I am pleased you submitted your resignation. You should have done that earlier.

As you know, I was the first Member of the Congress calling on the White House to fire you because you did not resign, and I am pleased that you finally saw that this was the minimum, the minimum you should do in accepting a modicum of responsibility. With an infinitely more distinguished public record than yours, Admiral Boorda committed suicide when he may have committed a minor mistake. So the fact is it is a good thing you did it. You should have done it a long time ago.

I want to ask Mr. Marceca a very simple question also. In reading your statement, there isn't a scintilla of acceptance of responsibility, there isn't a scintilla of expressing an apology to individuals whose privacy rights were violated. You should thank Ms. Wetzl for cleaning up your mess.

You have indicated in your written statement not one iota of recognition of the problem you created with your stupid actions which has created all this attention, all this devotion of energy to this effort. You really owe everybody, including this committee and the American people, an apology and there has been not the slightest indication on your part that you are aware of what you did.

Now since an enemies' list has been mentioned many times in these hearings, for the record, I would like to state that Mr. Nixon had an enemies' list carefully constructed and very logical from his point of view. What we are dealing with here clearly are lists, whether it is 300, 500, or 700 people, most of whom have no high-profile political position, so whether it is an innocent mistake, as you call it, Mr. Livingstone, or an idiotic mistake, as I call it, it clearly seems to be at that level.

Now I would like to ask each of you to comment on the basic question I have raised. Has anybody above your grade, which in

your case, Mr. Nussbaum, would be the President, ever instructed you to obtain confidential FBI files for political purposes?

Mr. NUSSBAUM. It is even absurd, Congressman Lantos, to even contemplate such a notion.

Mr. LANTOS. I agree.

Mr. NUSSBAUM. The answer to your question is no.

Mr. LANTOS. Ms. Wetzl?

Ms. WETZL. No.

Mr. LANTOS. Mr. Livingstone?

Mr. LIVINGSTONE. Absolutely not.

Mr. LANTOS. Mr. Marceca?

Mr. MARCECA. No.

Mr. LANTOS. Mr. Kennedy?

Mr. KENNEDY. No, sir.

Mr. LANTOS. Has anybody, to the best of your knowledge, having obtained these files for the White House, has anybody, to the best of your knowledge, used these for political purposes?

Mr. Nussbaum?

Mr. NUSSBAUM. No.

Mr. LANTOS. Ms. Wetzl?

Ms. WETZL. No, sir.

Mr. LANTOS. Mr. Livingstone?

Mr. LIVINGSTONE. No.

Mr. LANTOS. Mr. Marceca?

Mr. MARCECA. No.

Mr. LANTOS. Mr. Kennedy?

Mr. KENNEDY. Absolutely not.

Mr. LANTOS. Let me then go back to Mr. Nussbaum because I was extremely impressed by your statement which is reflective of a very distinguished history as an outstanding attorney in this country.

Could you explain in your own words how you think this whole event mushroomed to the present status?

Mr. NUSSBAUM. You know, that is a very good question, Congressman. Unfortunately, when we came into the White House there were tremendous pressures to cut staff, to cut budget, pressures coming from Congress and from within the White House itself. So in sincere effort—at the same time, when a new administration comes in, especially a Democratic administration replacing a Republican administration, there is an enormous workload.

I think Boyden Gray recognized this in his testimony the other day. So here we were faced with a combination of an enormous workload, new people coming in, some for the first time in their lives to the White House, as well as at the same time a pressure to cut the staff. The President wanted to cut the staff, he promised that during the campaign, and the staff was cut. And Congress wanted to limit the White House budget. So when you have those two dynamics working together you are forced to in order to try to do the job, Mr. Kennedy and I were forced to use detailees and interns.

We tried to get the best people we could and tried to make sure they did the right job, but it is not a desirable way of functioning. I remember conversation after conversation that Mr. Kennedy, Mr. Foster and I had with the Chief of Staff, Mack McLarty at the

time, and other people in the White House, that we desperately needed more help to perform these functions.

I used to get involved in these functions, and that is the only time that I did get involved, to plead with them for more help. They tried to do the best they could. Mr. McLarty was under pressure. Other people were under pressure. The fact is we really didn't have enough people at that time to do it, we did the best we could, we tried to get the best people, and this is why I think an error like this might have occurred.

Mr. CLINGER. The gentleman's time has expired.

I am now pleased to recognize the gentleman from New York, Mr. Gilman, for 5 minutes.

Before I do that, I want to ask unanimous consent that certain documents that have been referred to this morning be entered as part of the record, specifically a request for White House Travel Office personnel files; second, e-mail from the FBI discussing the indictment of Billy Dale; and third, memos from Mr. Harry Thomason to Darnell Martens regarding the White House press story.

Mr. WISE. Mr. Chairman, point of inquiry.

As part of the unanimous consent request, are you including the letter Mr. Burton displayed, the Secret Service letter?

Mr. CLINGER. Yes.

Mr. WISE. And since it has been brought out, have the witnesses had a chance to get a copy of it?

Ms. WETZL. Yes.

Mr. LANTOS. Parliamentary inquiry, Mr. Chairman.

Mr. Chairman, since you outlined the witnesses' Democratic Party activities, we now learn that Mr. Marceca worked for Ronald Reagan. Could we also obtain the Republican Party activities?

Mr. CLINGER. Their political activities was in their deposition which has now been made a part of the record.

Mrs. COLLINS OF ILLINOIS. Reserving the right to object, Mr. Chairman.

Mr. CLINGER. Yes?

Mrs. COLLINS OF ILLINOIS. Mr. Chairman, we haven't had a chance to review the documents that you are talking about putting into the record.

Mr. CLINGER. I will withdraw the unanimous consent request and have the documents distributed to Mrs. Collins and we will re-activate that request as soon as you have had a chance to review them.

Mrs. COLLINS OF ILLINOIS. Thank you.

Mr. CLINGER. I am now pleased to recognize the gentleman from New York, Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I want to commend you for conducting this hearing, for all the work you and your staff have done in trying to get to the bottom of the White House Travel Office investigation and subsequent discovery that the staff of the White House Personnel Security Office requested and obtained the confidential FBI background files on several White House Travel Office employees, in addition to the files of 340 former Reagan and Bush administration employees.

As I have noted previously, due to the seriousness of this violation of the privacy rights of the private citizens and possible misuse of the FBI, I don't look upon this inquiry as any exercise in partisanship. Many decry that it becomes more difficult with each passing year to attract the most qualified and accomplished in our society to serve the American people, and those who want to serve the Government have often sacrificed greater financial gain and have consented to some loss of their privacy to serve.

However, when I see the manner in which personal files were haphazardly handled in the White House, and when we see the lack of supervision on employees who seem to have little background in the area of sensitive security matters, and when we hear a statement from the Director of the FBI, a gentleman who we have immense respect for, that states, "the prior system of providing files to the White House relied on good faith and honor, unfortunately, the FBI and I were victimized," it is no wonder why the best and brightest are often reluctant to serve.

There is no doubt that we must investigate and repair a system that is obviously broken. These hearings will enable us to accomplish that.

One question, Mr. Chairman.

Mr. Kennedy, you stated in your sworn testimony before this committee that the initial paperwork for Presidential appointees went to Craig Livingstone's office and you said as a matter of convenience the IRS tax check forms came to Craig's office and came upstairs to us. Did Mr. Livingstone duly receive this IRS information on Presidential appointees as well as other White House staff?

Mr. KENNEDY. Congressman, we attempted to separate it out to keep the two functions separate. So it would be a matter of inadvertence.

Mr. GILMAN. I am asking did any of the IRS information end up with Mr. Livingstone?

Mr. KENNEDY. With regard to what?

Mr. GILMAN. With regard to these files that you asked for.

Mr. KENNEDY. Congressman, people who were being considered for White House access for permanent passes received IRS checks and they became a part of the files in Mr. Livingstone's office.

Mr. GILMAN. You are saying Mr. Livingstone did receive the IRS information; is that correct?

Mr. KENNEDY. His office did in the normal course of business, yes.

Mr. GILMAN. Thank you.

I am pleased to yield to the chairman.

[The prepared statement of Hon. Benjamin A. Gilman follows:]

PREPARED STATEMENT OF HON. BENJAMIN A. GILMAN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW YORK

Thank you Mr. Chairman. I would like to commend you, Mr. Chairman, for conducting this hearing and for all the work you and your staff have done in attempting to get to the bottom of the White House Travel Office investigation and the subsequent discovery that the staff of the White House Personnel Security Office requested and obtained the confidential FBI background files of several White House Travel Office employees in addition to the files of 340 former Reagan and Bush administration employees.

As I have noted previously, due to the seriousness of this violation of the privacy rights of private citizens and the possible misuse of the Federal Bureau of Investiga-

tion, I do not look upon this inquiry as an, exercise in partisanship. Many have decried that it becomes more difficult with each passing year to attract the most qualified and accomplished in our society to serve the American people. Those who wish to serve their Government have often sacrificed greater financial gain and have consented to some loss of their privacy to serve. When I see the manner in which personal files were haphazardly handled in this White House; when we see the lack of supervision on employees who seem to have little background in the area of sensitive security matters, and when we hear a statement from the Director of the FBI, a gentleman who I have immense respect for, that states that and I quote "the prior system of providing files to the White House relied on good faith and honor. Unfortunately the FBI and I were victimized." It is no wonder why the best and brightest are often reluctant to serve. There is no doubt that we must investigate and repair a system that is obviously broken.

It is hoped that these hearings will enable us to do that. Thank you Mr. Chairman.

Mr. CLINGER. Thank you.

Mr. Marceca, late yesterday afternoon we received about 200 pages of documents that your attorney reported were produced from two computer diskettes that you kept after you left the White House in February 1994. A large portion of the documents retrieved from your personal diskettes have a heading at the top of each page entitled, "Previous Reports Received," and then there is a date.

One of the pages is stamped with a number 35 and is dated September 20, 1993. Underneath this heading is an alphabetical list of names beginning with the letter A and going through the alphabet all the way to the letter Z, through pages stamped 47. Next to each name is a date, and then a few spaces over on this series of lists is the letter N.

Mr. Marceca, will you please describe to this committee exactly what this group of documents are and when you created this list?

Mr. MUSE. What pages, please?

Mr. CLINGER. Thirty-five—did you create the list?

Mr. MARCECA. Your question again, Mr. Congressman, please?

Mr. CLINGER. Did you create this list?

Mr. MARCECA. Yes, I believe I did.

Mr. CLINGER. When?

Mr. MARCECA. I believe it was on 20 September—I am not sure. I would have to check the disk.

Mr. CLINGER. Some time in the fall of 1993?

Mr. MARCECA. Yes, sir. I believe the 20th of September 1993 it was created.

Mr. CLINGER. Are all of these names people who were on the National Security Council at the White House at some time?

Mr. MARCECA. I got these names off the list, sir.

Mr. CLINGER. You didn't identify them as being on the National Security Council? Weren't you looking for reviewing files for National Security Council individuals?

Mr. MARCECA. Yes, sir. This is part of the Update Project.

Mr. CLINGER. Did you have any instructions specifically concerning ordering/receiving the FBI previous reports on these individuals?

Mr. MARCECA. Yes, sir. The files were already prepared in the vault when I got there and all I did was order the previous investigations.

Mr. CLINGER. Many of the people on the list were only on the Council during the Bush or Reagan administrations and were not

in any way connected with the Clinton administration, so the question is why would you have received previous reports on those individuals who clearly no longer had need for any kind of background information?

Mr. MARCECA. When I walked in the first day in the White House, there were a number of file folders already prepared and these NSC folders were prepared and in the vault. We might be able to verify that here today with people at the table. What I did was I ordered the previous investigations, as I understood I was supposed to do for all folks who had files.

Mr. CLINGER. Did you take those files home with you at any time?

Mr. MARCECA. Yes, sir. I had a CID computer. I took them home every day.

Mr. CLINGER. There was earlier testimony that none of these ever left the White House?

Mr. MARCECA. I never took files home. I took the computer disk home.

Mr. CLINGER. You typed the name Brent Scowcroft and Robert Gates and you are suggesting that you never knew who these individuals were or the inappropriateness of requesting background files on people who were clearly members of previous administrations?

Mr. MARCECA. Mr. Chairman, Mr. Gates, according to this list, it says the last investigation would have been in 1991. I would have never looked a second time at that. If he didn't need an update I would never have asked to find out if Mr. Gates were in the White House or not.

Mr. CLINGER. My time has expired.

I now recognize the gentleman from West Virginia for 5 minutes.

Mr. WISE. Thank you very much.

I am concerned that much of this hearing is getting afield into more sensationalism, so let's get back to some facts. It seems to me in the search for truth there is a certain hierarchy here. Right now I think everyone concedes that this is at best a case of gross incompetence and error.

The question is, is there anything past that, and that is what we ought to be concerned with. The hierarchy I think is what use if any were made of the files obtained, who ordered the files, where did the list come from, and after that, perhaps relevance as to whether or not individuals should have been in positions they were in.

My question goes first to Mr. Livingstone and Mr. Marceca, reminding you, as others have, that of course you are under oath subject to criminal sanctions for perjury, for false statement; I am going to ask you some questions you were asked before, but I think they are relevant.

Did any of the material that was obtained from these files and the Update Project go outside your office, outside of the physical confines of the office that you worked in into other parts of the White House?

Mr. Livingstone?

Mr. LIVINGSTONE. I don't believe so, sir.

Mr. WISE. Can you state that with more certainty. You were the supervisor of that office, were you not?

Mr. LIVINGSTONE. Yes, sir. I am not trying to be difficult. I don't maintain a vigilant view of that office 24 hours a day. I am trying to say with some certainty while I was there.

Mr. WISE. Did you carry any of it outside?

Mr. LIVINGSTONE. Only through the normal course of channels, which would be to Counsel's Office.

Mr. WISE. Mr. Marceca, same question.

Mr. MARCECA. Mr. Congressman, documents that I handled I considered that they were classified documents and treated them as such. Nobody touched the documents. They went from the file to my desk, back in the locked vault. There was tight control in that White House.

Mr. WISE. Ms. Wetzl?

Ms. WETZL. No.

Mr. WISE. Did anyone request you to obtain files—did anyone outside your office request you to obtain files giving you specific names?

Mr. Marceca?

Mr. MARCECA. No, sir.

Mr. LIVINGSTONE. No, sir.

Ms. WETZL. No, sir.

Mr. WISE. Did you share the information from these files with anyone in the White House, particularly those that have been identified as politically sensitive, obviously names of Republican office-holders or people who had once been in the White House, James Baker, people like that? Was this information distributed to anyone else in the White House?

Mr. MARCECA. Congressman, not in my realm. I had the Update Project. I worked on that.

Mr. WISE. Mr. Livingstone?

Mr. LIVINGSTONE. I don't believe that I was ever requested; I have no knowledge of anyone in my office disseminating that material.

Mr. WISE. Did you share this information in any way?

Mr. LIVINGSTONE. No, sir.

Mr. WISE. Ms. Wetzl?

Ms. WETZL. I did not share this information in any way and have no knowledge of anyone else sharing this information in any way.

Mr. WISE. Mr. Marceca, the list that you ordered from; did you create that list or was that list given to you when you came on board?

Mr. MARCECA. There were a number of lists but the Update Project list itself was one series of lists and then we would get other lists in from the Secret Service for people that need reinvestigation, current employees and holdover employees.

Mr. WISE. Other than the Secret Service, did you add any names at any other person's request other than the Secret Service?

Mr. MARCECA. No, sir. It was either on the Secret Service list or I didn't do it.

Mr. WISE. The Secret Service list, is that the one Ms. Gemmell left in a safe when she left, that she testified that she left?

Mr. MARCECA. As I recall, there was a list in the safe and I can't attach that to the one that Ms. Gemmell was working on because she wasn't there when I started.

Mr. WISE. Did you meet at any time with Ms. Gemmell to discuss the projects update?

Mr. MARCECA. Yes, sir, I did.

Mr. WISE. Was it before or after she left the White House?

Mr. MARCECA. I turned some notes over to the chairman. That was on August 9, 1993, I met with Ms. Gemmell and made some handwritten notes.

Mr. WISE. Did you have any kind of telephone conversation with her subsequent to that seeking advice, what do I do in this situation?

Mr. MARCECA. No, sir. The only conversation I had with her was around Christmas. I said happy holidays. That is all, sir.

Mr. WISE. How did you happen to have that conversation?

Mr. MARCECA. I believe she either called or somebody called her around the holidays.

Mr. WISE. Did anyone ever contact Ms. Gemmell following her leaving the White House to ask suggestions, advice about the Update Project, about the list that she left?

Mr. Marceca has indicated he did not.

Mr. Livingstone?

Mr. LIVINGSTONE. I don't have any recollection of talking to Ms. Gemmell about the update list after her departure.

Mr. WISE. Ms. Wetzl?

Ms. WETZL. No.

Mr. WISE. Ms. Wetzl, Mr. Burton waved a letter up here saying it was from the Secret Service. Have you had a chance to examine this letter?

Ms. WETZL. Yes, I have.

Mr. WISE. Have you had a chance to examine number 7, in which, I will quote: "Supervisors and technical experts associated with our Access Control Branch during the past 6 years have opined, nice word, that the list shown to us by the committee was not produced by the Secret Service. Secret Service data bases do not produce documents in the format such as the one described above."

Yet I thought you testified earlier that you had destroyed the list, so they could not have been looking at the original of what you had, could they?

Ms. WETZL. I believe the list that they are talking about in this paragraph is one I typed up when I archived those files. The Secret Service data base did not produce lists in this format. I produced that list.

Mr. WISE. The list that I thought Mr. Burton—

Mr. WETZL. He is speaking about the wrong list.

Mr. WISE. Did you not testify that you had thrown in the trash or destroyed the list that Ms. Gemmell had left in the safe?

Ms. WETZL. Yes, I did.

Mr. WISE. Thank you very much.

Mr. CLINGER. I would now renew my unanimous consent request that the 11 pages of documents, which I believe the minority has

had a chance to review, be made a part of the record at this point, without objection.

[The information referred to follows:]

June 30, 1993

MEMORANDUM FOR JOHN D. PODESTA
ASSISTANT TO THE PRESIDENT AND
STAFF SECRETARY

FROM: MARY COUTTS BECK *MCB*
ACTING DIRECTOR
PERSONNEL MANAGEMENT DIVISION

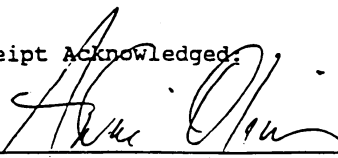
SUBJECT: Official Personnel Folders

Andre Oliver, of the Chief of Staff's Office, requested that I forward the Official Personnel Folders of seven White House travel office personnel for your review. They are attached.

The contents of these records are covered by the Privacy Act of 1974, have restricted use and should be protected carefully. Please keep these folders in a locked place when not in use. Their contents should not be disclosed to anyone unless they demonstrate an official need.

When you have completed your review, please call me on 395-1147, so that I may have them picked up.

Receipt Acknowledged:



Signature



Date

Returned
7/15/93

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

15-Jul-1993 08:25am

TO: Irene H. McGowan
FROM: Mary C. Beck
Office of Administration, PMD
SUBJECT: A Favor

Irene,

On 30 June, Andre Oliver in the Chief of Staff's Office signed out the OPFs on the 7 travel office employees. Since they have had them for at least two weeks I began tracking them down.

Andre said he had turned them over to Cliff Sloan in the White House Counsel's Office.

Cliff said he turned them over to Jodie Torkelson.

This should not be happening. Please call Jodie and ask her to return the OPFs ASAP.

Thanks,

Mary

THE WHITE HOUSE
WASHINGTON

January 27, 1994

MEMORANDUM FOR MARY BECK
DIRECTOR, PERSONNEL MANAGEMENT DIVISION
OFFICE OF ADMINISTRATION

FROM: NEIL EGGLESTON *NE*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Request for Copy of Billy Dale's Personnel File

We have received a request from an investigative body for a copy of Billy Dale's entire Official Personnel File. Please provide me two copies of that file so that I may provide one to them, and so that I may keep one as a file copy of what was provided to them.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

27-Jan-1994 09:12am

TO: Matthew L. Moore
TO: W. Neil Eggleston

FROM: Mary C. Beck
 Office of Administration, PMD

SUBJECT: Former Travel Office Employees

Brasseux-transfer to GSA-OPF transferred to GSA

Dale-retired-OPF still on file

Dreylinger-transfer to GSA_OPF on file pending request from GSA

Maughan-transfer to DOD-OPF on file pending request from DOD

McSweeney-transfer to State-OPF on file pending request from State

VanEimeren-transfer to Commerce-OPF transferred to Commerce

Wright-retired-OPF still on file

I do need a short memo on the requested copy to document the official need for the contents. The copy is ready once I have the memo.

Mary

From: MEACHAM, GREGORY D. (GMEACHAM)
To: TKUBIC
Date: Monday, September 26, 1994 10:42 am
Subject: WHTO

Regarding your inquiry this morning. I contacted Jane who advised that she was advised by SA Pam Bombardi, that DOJ Trial Attorney Stuart Goldberg had stated that he wanted to "do the indictment before the elections, probably on October 4, 1994."

You will remember that the government was basically ready to indict in August when the subject changed attorneys. The new team of attorneys have represented that Dale wants to make a presentation and explain what happened. This offer was made by prior counsel. Although DOJ is very anxious to hear what Dale has to say they have been waiting since August and their patience grows thin. Also to sweeten the pot the new defense team has offered to allow the interview of Dale's children by the government. This is another source of inquiry DOJ would like to pursue. However, the fact remains that DOJ was ready to indict in August and nothing has happened to change their position. The defense, seemingly, is controlling the time of the indictment in the short term because DOJ who like to hear what Dale and his children have to say. It may be that DOJ intended to fix the time of the indictment for early October recognizing that 60 days was adequate for the new attorneys to review the case and make a determination as to how Dale intended to proceed.

CC: JERICKSO

For Peter:

20112

Arrive at Andrews Air Force Base between 5:00 am and 5:30 am (Enter at Morningside Gate (the main gate) and ask the officer at the gate how to get to BASE OPERATIONS. As you approach BASE OPERATIONS, go towards the right, to the upper end of BASE OPERATIONS. This is where you will find the PRESS CENTER.)

At PRESS CENTER, find Billy Dale and John Drellinger (both from WH Travel Office). Dale will be running the Press Center and Drellinger will be on the plane.

ASK BILLY TO GIVE YOU A STAFF PIN, OR GET YOU TO THE PERSON WHO WILL GIVE YOU A STAFF PIN. WHEN YOU SHOW YOUR HARD CARD, YOU GET A PIN.

Drellinger should have you seated next to him on the plane. Your duties are :

1. Log, hour by hour, what Drellinger does. Also note what Billy did at the airport before you left.
2. Note any cash Drellinger disburses, the amount (if possible to do unobtrusively) and the purpose.
3. Describe the plane and bus rides, including type of plane & bus, layout of plane or bus, food eaten, if it was good, whether it was on China, etc.

You'll be gone for two days. Bob Van Eimeren (WH travel office) will have a room in your name at the hotel. You should also meet him and log what he does -- as best as you can, as there will be two (Drellinger & Van Eimeren) to watch once you get to Dan Diego.

Take good notes with the purpose being that you will be able to describe everything that these guys do on a trip.

CLINTON / GORE TRANSITION TEAM / TRM, INCORPORATED

4536 AIRPORT ROAD
CINCINNATI, OHIO 45224
TELEPHONE NUMBER 513-871-5761

TO: Adm / Hony DATE: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

COMPANY: _____

CITY & STATE: _____

NUMBER OF PAGES INCLUDING COVER SHEET: 5FROM: MARKELL MARTIN WYNN FOR

TELEPHONE NUMBER: 513-871-5410

REMARKS:

(27)

TO: HARRY THOMASON
FROM: DARRELL MARTENS
RE: WHITE HOUSE PRESS CHARTERS
DATE: 3/5/93

Attached is a summary of where we are at in the White House Press Charters story. The attached summary is for YOUR EYES ONLY at this time since I cannot yet prove everything contained in the report. I do believe it can all be true but proof is always something else again.

We have contacted the DOT regarding the AOA campaign violations, we are contacting a party Treasurer to determine if AOA's owners made substantial Republican contributions, we are to receive a package from Miami Air today with additional information on their experience with the White House and, lastly, we are trying to obtain an on-the-record conversation with the ex-AOA employee.

AOA knows something is up. They now hang up on Air Advantage whenever they call. Does it sound to you like they are hiding something? Relative to these folks, I feel like Mike Wallace on 60 Minutes.

I will have further updates by Monday. We should have a complete summary with substantive information by the time I get to Los Angeles next Wednesday.

Later...



C O N F I D E N T I A L

WHITE HOUSE PRESS CHARTERS

THE PROPOSAL

Dee Dee Myers stated to both Harry Thomason (personally) and Darnell Martens (by phone) that the White House was not tied to any particular charter operator and that based on that assumption she saw no reason why Thomason, Fishland & Martens, Inc. (TRM) should not be able to compete for the White House Press Corps charter business.

Dee Dee Myers was kind enough to place Darnell Martens of TRM in contact with Billy Dee of the White House Transportation Department.

THE PHONE CALL

Mr. Dee informed Mr. Martens that there was no possible combination of price/service under which TRM could earn the White House business and to not waste his time discussing the matter.

Understands that TRM was not informed that it would be "difficult" or that there was only a "slim" chance of earning the business...but that there was "no chance" of earning the business.

Dee informed TRM that there was no price point that he could not get (but specifically declined to disclose at what price he obtains aircraft) or an operator that he has not already contacted. Therefore, what could TRM do that he would not?

Certainly a fair question (however, Dee offered the question rhetorically not in an effort to discuss the matter).

Martens informed Dee that TRM purchases a much higher volume of charter hours than the White House does and that the buying power could be combined with the White House business to lower the cost from particular vendors to the Press Corps. Further, Martens informed Dee that TRM is aware of at least one operator that has aircraft based in Washington, has aircraft superior to those currently being used and could be obtained at a rate comparable and probably lower than that currently being paid by the Press Corps. Martens again asked Dee that based on the above described possibility of a price/service combination that is superior to the current operation, wouldn't just a simple meeting be in order?

Again, Dee informed Martens that there was no possibility of gaining the White House business. "I have been here 31 years and no one has seen fit to replace me with a commercial operation yet. So until they do, I will continue to handle this without your help. However, if you are ever in Washington, I would be happy to meet you but do not bother making a special visit because you will not get the business."

Martens ended the conversation by "accepting" Dee's offer for a meeting at a future date.

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WHITE HOUSE PRESS CORPS REPORT

PAGE 2

RESEARCH INFORMATION

TRM has learned that, contrary to Dee Dee Myers understanding, the White House Press Corps has been flown on a virtually exclusive basis by Pan Am and then "Son of Pan Am" known as Airline of the Americas (AOA) - a charter operation made up of ex-Pan Am executives using ex-Pan Am aircraft. (AOA is now also doing business under the name of Ultra Air.)

In the brief period between Pan Am's bankruptcy and Airline of the Americas certification other operators were used.

Airline of the Americas is a Republican-operated charter airline. The company ran afoul of the DOT and FEC when it provided press transportation without chargebacks to the press in order to insure good press coverage of Bush campaign appearances.

AOA wanted the flights to be considered a contribution but this was denied by the FEC/DOT subsequent to a complaint initiated by David Bustbaum of the Clinton/Gore '92 Committee. The uncompensated flights were discontinued.

This activity by AOA does, however, indicate a decidedly anti-Clinton philosophy which seems, on the surface, to be inconsistent with the current Administration. Further, this activity had to have been operated with the full knowledge and cooperation of the White House Transportation Department since all flights dealt with following President Bush.

Off-the-record discussions with a former AOA employee  who resigned after the above-mentioned complaint and now works for another charter airline indicate that the relationship between the Republican White House and AOA had other legal and/or ethical inconsistencies which he did not want to deal with.

This could also explain, what TRM considers to be, the almost violent reaction by the White House Transportation Department regarding the possibility of someone else coming in to operate the White House Press Charters. This begins to fall loosely under the heading of: "Methinks thou dost protest too much."

THE RESULT

Dee Dee is wrong. The White House is led into an operator...an operator who did everything possible (and then some) to get President Bush re-elected with the full knowledge and apparent cooperation of the White House Transportation Department (at least the senior members who were present throughout the Bush Administration).

(30)

WHITE HOUSE PRESS CORPS REPORT**PAGE 8****THE SOLUTION****1) At a minimum...**

...the Administration should direct the White House Transportation Department to contact TRM/Air Advantage who would systematically search the market for the best price/service combination for the right request made on behalf of the press.

In this way, the White House business would be spread among several operators and the equipment best suited to the mission would be acquired. Also, under this system, no allegations of monopolies or favoritism could be made against the White House Transportation Department.

2) At best...

...the Administration should disband the antiquated Transportation Department system in favor of the functions being outsourced to TRM/Air Advantage. This would provide services equal to those now supplied, place all transactions at "arm's length" and make it possible to reduce the White House staff by 4 to 5 people (one administrative person would likely be retained in the White House as a coordinator) - an estimated savings of \$250,000 per year.

Mr. BURTON. Mr. Chairman, I would like to make a point that if they would go down to section 9 of that letter, it explains that the data base and the lists that were compiled——

Mr. WISE. Point of order Mr. Chairman.

My time has expired. Has not the gentleman's?

Mr. BURTON. I wanted to clarify that Section 9 explains what I was talking about.

Mr. CLINGER. The Chair now recognizes the gentleman from New Mexico, the vice chairman of the committee, Mr. Schiff, for 5 minutes.

Mr. SCHIFF. Thank you, Mr. Chairman.

Mr. Chairman, I want to say first that it was suggested that people were being criticized for working in campaigns. Nothing could be further from the truth.

I welcome people working in Republican, Democratic or other party campaigns. The issue is were people with a political motivation allowed access to sensitive law enforcement information, and if so, was that information abused? There is no criticism of people working in campaigns.

Mr. MARCECA, I want to bring this directly to what I think is the point. I think it is established that several hundred files were requested from the FBI of personal backgrounds by you and these files were not appropriate to be requested at that time. They involved people who used to work at the White House under previous administrations, but no further; I think that is the premise. The exact question is this; where did the list come from by which you ordered these files?

Mr. MARCECA. It came from the vault, and it—the understanding is that the Secret Service generated it.

Mr. SCHIFF. What made—did it say Secret Service, or who indicated it was a Secret Service list?

Mr. MARCECA. It was my understanding from Mr. Livingstone and Ms. Gemmell and other people in the office that that was the update list.

Mr. SCHIFF. Who exactly told you that is the proper list to use?

Mr. MARCECA. Specifically, I can't recall if someone said this is the Secret Service list, this is what you use.

Mr. SCHIFF. Did you use more than one list?

Mr. MARCECA. For the Update Project?

Mr. SCHIFF. To order the files, did you use more than one list?

Mr. MARCECA. We are talking about the universal files now.

Mr. SCHIFF. The hundreds of Republican files that you should not have ordered, did you use more than one list to order those files?

Mr. MARCECA. Sir, there were a lot of Republicans that worked in the White House——

Mr. SCHIFF. I said the ones that were not appropriately ordered, the ones that did not seek access to the White House. Were there names on one list or more than one list?

Mr. MARCECA. The names that I ordered on the update list were from the files in the vault. That is where I got those names.

Mr. SCHIFF. Did anyone specifically tell you that was the right list to use?

Mr. MARCECA. I was led to believe that that was the correct list to be using, yes.

Mr. SCHIFF. By whom?

Mr. MARCECA. By Mr. Livingstone, by Nancy Gemmell, by people who worked in the office. No one called it to my attention it was the wrong list.

Mr. SCHIFF. Did you ever take any of this information in any form home with you?

Mr. MARCECA. Are you talking about documents, Congressman?

Mr. SCHIFF. Or summaries or analyses of documents?

Mr. MARCECA. I took my CID-issued computer to my house with me and I did other investigations on that computer.

Mr. SCHIFF. Did that computer which you took back with you, did that contain information from these confidential law enforcement personnel files?

Mr. MARCECA. The information it contained is what we provided to the committee.

[The information referred to follows:]

LAW OFFICES

STEIN, MITCHELL & MEZINES

1100 CONNECTICUT AVENUE, NORTHWEST
WASHINGTON, D. C. 20036

BASIL J. MEZINES
GLENN A. MITCHELL
JACOB A. STEIN
GERARD E. MITCHELL
ROBERT F. HUSE
DAVID U. FIERST
RICHARD A. BUSSEY
PATRICK A. MALONE
ROBERT L. BREDHOFF
CHRISTOPHER H. MITCHELL
SHARON M. JOHNSTON
JOAN D. MEZINES
NANCY R. GRENIER
ANDREW M. BEATO
LAURIE A. AMELL

OF COUNSEL
GEORGE ANTHONY FISHER
SANDRA L. HUGHES

TELEPHONE (202) 737-7777
TELECOPIER (202) 296-8312

June 25, 1996
HAND DELIVERED

The Honorable William F. Clinger, Jr.
Chairman
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: ANTHONY B. MARCECA

Dear Congressman Clinger:

In response to your later dated June 24, 1996, Mr. Marceca submits the enclosed documents. A few observations:

1. The typed documents were produced from two computer disks which have been in the custody of Mr. Marceca since he was employed at the White House.

2. Other documents from the disks relate to Mr. Marceca's position with Criminal Investigation Division of the Department of Defense and are not pertinent to this Committee's inquiry.

3. In some instances, we have redacted the names of individuals or other identifying information so as to provide greater assurances of privacy.

4. All of the documents from the disks are available for inspection with due regard to law enforcement and privacy interests.

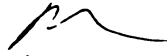
STEIN, MITCHELL & MEZINES

June 25, 1996

Page 2

5. The handwritten notes were taken and kept by Mr. Marceca.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert F. Muse". The signature is stylized with a large, sweeping initial "R" and a long, horizontal stroke extending to the right.

Robert F. Muse

RFM:Kim
Enclosures

cc: Honorable Cardiss Collins
White House Counsel
Office of Independent Counsel
Paul Larkin, Esq., Senate Judiciary Committee
Christopher Putala, Senate Judiciary Committee

AUG 9 1993

(Page 3)

THE WHITE HOUSE
WASHINGTON

col.

~~Konoschia~~

KINOSHITA Deputy Chief

of staff

(702)

756-1426/1427

0830

33 AUG 9

Wed - 10 Aug 93

official start

KonosHITA

AUG - 9 1993

MORAN
FOSE (1.)THE WHITE HOUSE
WASHINGTON1-12 Internal Files -
Melissa Files

13- Pending Case -

Orange - W.H. Staff

Green - VP -

Red - Staff/Volunteer & interns

Blue - Support SSA-Caf-Volunteer -

here waiting name check by FBICommonwealth office of VolunteersEnd #15 Subject Files
operational material @ yellow file

AUG 9 1993

(Page 2.)

THE WHITE HOUSE

WASHINGTON

George Souda - Room #1 -
 Port time consultant - Room 785 -
 #11-12 End behind ~~Staff~~
 Former Pres Staff
 Colored Brown

#16 presidential medals
 people have to be chosen

DAVID
 Mrs. WATKINS
 (A) Head of Monogrammed Paper, etc.
 monthly report submitted
 ON PASSES

Fragment west

AUG 9 1993

THE WHITE HOUSE
WASHINGTON→ R I S. G. SB I
posses

→ update.

2 projects - gate pass/visa
go stuffpress set 21008 points for permanent pass

1. completed - Name check.
2. authorized by admin. to be done.

see check list.

for permanent pass check off -

Level I - combined

Level II - staff

Level III - contractors / 6 SA -

DOT

BLACK - OK of 
BLUE - ~~OK~~ INTERVIEW process has started

BLUE @ either border completed.

Red - 302's from 78⁺ - Restricted.

yellow- ~~cat~~ caution!!
means to pay attention.

→ "pub check moat" separate reporting.
∴ DMC or separated reporting
STROS

Office of Dir. ⁽²⁾
National Space Council ⁽⁴⁾

→ Parent check: Full feedback process -

a higher — " news in computer system.

a higher of shock - entire pile inserted.

AUG · 9 1993

THE WHITE HOUSE

WASHINGTON

higher "S" — Staff Volunteersby her "V" — Volunteered Vtby her "I" — Intern Volunteers —
(not paid)Mr. Gandy interns are paid —oo that get "Staff Person"community people have "C" in (usually)
DiffReschedule staff — Do not start until
full completed BIDe-activate former staff FBI contact
to remove STOP on them

AUG 9 1993

THE WHITE HOUSE

WASHINGTON

1) Confirmation in file on Drug ~~test~~Security Violations

2) ~~Volunteers~~ ~~need~~ ~~interview~~ ~~process~~
 @ Staff Volunteers

3) ~~no releasing of~~ ~~pb's~~ ~~about~~ ~~person's~~ ~~permission~~ ~~directly!~~

updates do not copy 302's

Book on how to handle
classified documents

closed for

C: print sheet

approx. write in upstate

3rd line — ask —

Remarks — for other than
W/16

when done make copy —

Long Copy

2E. OR — 90 day
see master sheet "G"

Note: Foreign Form
additional sheet

PREVIOUS REPORTS RECEIVED

JANUARY 06, 1994

CRAIG, GRAVEN WINSLOW	Not on file	S
CRAIG, JUDY A.D.	Not on file	S
CROFT, FRANCEZ GABREY	Not on file	S
CROW, SHELLY LYNN	Not on file	S
CULLEN, LESLEE BLAIR	Not on file	S
CUNNINGHAM, ERIN MICHELLE	Not on file	S
CURTIN, THEODORE CHARLES	Not on file	S
CURTIS, RICHARD EDWARD	Not on file	S
CUSHMAN, JEFFREY ANDREW	Not on file	S
CRITTON, TRACI MICHELLE	Not on file	S
COOKE, JULIE	Not on file	S
COLLINS, TRACEY REGENE	Not on file	S
CUSTER, ELLEN MARY	Not on file	S
CUTSHALL, RACHEL RAE	Not on file	S
DALE, BILLY RAY	8 JUL 1991	S

000004

PREVIOUS REPORTS RECEIVED JANUARY 07, 1994

BATES, MELINDA NAUMANN	DEC 1993	S
WFORD, KELLY ANN	AUG 1993	S
CURTIS, EMILY JANE	AUG 1993	S
CURRY, DOROTHY JANE	DEC 1993	S

000005.

PREVIOUS REPORTS RECEIVED JANUARY 10, 1994

BOHRER, GEORGE HUBERT	9 MAY 1991	S
RPENTER, JUDITH LEE	NOT ON FILE	S
COLLINS, PAUL JOSEPH JR.	12 MAY 1989	S
COMPTON, ELIZABETH MARGARET	14 SEP 1987	S
COOK, MICHELLE DIANE	NOT ON FILE	S
COUGHLIN, CATHERNE CROWLEY	13 NOV 1990	S
COX, EMMA JEAN	16 MAR 1990	S
COX, PATRICIA HELEN	16 AUG 1989	S
COYLE, SUSAN ALPERT	5 MAY 1987	S
CRONHEIM, CAROL CATHERINE	1 NOV 1990	S
CRYOR, ALLISON WHEATLAND	15 JUN 1989	S
CUDD, CONNIE KAY	10 JUL 1989	S
CULVAHOUSE, ARTHUR BOGGESS	19 MAR 1987	S
CUTTER, BOWMAN W.	APRIL 1993	S

000006

PREVIOUS REPORTS RECEIVED JANUARY 11, 1994

CAUDILL, GEORGE GRAY JR.	NOT ON FILE	S
.PMAN, ROBERT THOMAS	NOT ON FILE	S
COOK, MICHELLE DIANE	24 JUN 1992	S
COZART, CHARLENE C.	1 AUG 1991	S
CUTSHALL, JENNIFER LEE	7 AUG 1992	S

000007

PREVIOUS REPORTS RECEIVED

JANUARY 14, 1994

CASTELO, ANITA SANABRIA	22 APR 1991	R
NELL, KAREN ANN	27 AUG 1992	S
CONRAD, PATRICIA LYNN	29 SEP 1988	S
COOPER, BARRY JAY	1 OCT 1987	S
COOPER, JANET FELTON	28 NOV 1989	S
COOPER, MARSHALL	27 NOV 1989	S
COVINGTON, PAMELA JEAN	20 JUN 1989	S
CRITCHFIELD, CAROLINE MADDEN	NOT ON FILE	S
CSORBA, LASZLO THOMAS	7 SEP 1989	S
CULBREATH, LUE ADDIE	17 NMAY 1991	S
CUMMINS, CLAUDIA LYNN	30 OCT 1989	S
CURSEEN, JOSEPH PHILMORE	13 MAY 1986	S
DALEY, JOHN JOSEPH	NOT ON FILE	S
DALY, ALISON MICHELLE	NOT ON FILE	S
DALY, JOHN AUGUSTINE	NOT ON FILE	S
(!, DAVID T.	NOT ON FILE	S
DAMGARD, JULIE MEAD	NOT ON FILE	S
DAMICO, KRISTIN ANN	NOT ON FILE	S
DANA, TIMOTHY EDWARD	NOT ON FILE	S
DEL GROSSO, STACEY KAY	NOT ON FILE	S
DELLINGNER, DOROTHY RHEA	NOT ON FILE	S

000003

MEMORANDUM

Mr. William M. Cobbs
 Building Manager, White House Field Office, General Services Administration
 FROM: D. Craig Livingstone
 Director White House Security

SUBJECT: Background Investigations and Re-Investigations

Please review this list of current and former employees, and advise this office of their current status, with the White House. If they have left the White House, it would be very helpful if you would provide the date of separation.

Of those subjects whose last background investigation was in 1988, please advise this office, and we will provide them with an SF-86 packet, for a Re-Investigation.

NAME	LAST BI	ACCESS
AREY, Linda Lugenia	27 Oct 1988	S
BROTT, Michelle Marie	11 Dec 1987	S
BULLOCK, Katja	24 Sep 1987	S
PREIKA, Rita Davia	14 Aug 1986	S

000009

MEMORANDUM

: Mr. William M. Cobbs, Building Manager
 White House Field Office, General Services Administration

FROM: D. Craig Livingstone
 Director White House Personnel Security

SUBJECT: Background Investigations and Re-Investigations

Please review this list of GSA current/former employees, and advise this office of their present status with the White House. If they have left the White House, it would be very helpful if you would provide the date of separation.

Of those subjects whose last background investigation was in 1988, please advise this office, and we will provide them with an SF-86 packet, for a Re-Investigation.

NAME	LAST BI	ACCESS
ANDERSON, JOHN DAVID	UNK	G
BARNETT, EDWARD (nmn)	UNK	G
BARTLETT, HERBERT HENRY	UNK	G
CHAPPELEAR, THOMAS LEO	UNK	G
(BEY, TERRI LYNNETTE	UNK	G
COLLINS, GAIL A.	UNK	G
DAWKINS, CALVIN	UNK	G
DOWNES, INGRIED MARLENE	UNK	G
FLETCHER, DEBRA ANN	UNK	G
MATTHEWS, ARTHUR SYLVANUS	UNK	G
RSENBERGER, JAMES DONALD	UNK	G
SKIPWITH, FLORINE JONES	UNK	G
THOMAS, RICHARD ALLEN	UNK	G
WASHINGTON, RUBY LEE	UNK	G

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PREVIOUS REPORTS RECEIVED

OCTOBER 1, 1993

SAWYER, Joseph Lewis

17 Jan 1991

F

PAGE 1.

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PREVIOUS REPORTS RECEIVED NOVEMBER 03, 1993

FRANCIS, Andrew James	12 Nov 1991	G
ASON, Fannie	20 Feb 1991	G
GILBERT, Michael Louis	3 Dec 1990	G
GRACE, Kenneth Earl	13 Aug 1990	G
GREEN, Galen Homer	4 Aug 1992	G
GREEN, Kenneth James	21 Jan 1992	G
HALL, Cleo Elizabeth	20 Jun 1991	G
HALL, Richard Lee	24 Mar 1988	G
HAMMONDS, Kenneth Lester	9 May 1990	G
HAMPTON, Edward Arnold	22 Aug 1988	G
HARRIS, Delores Ann	NO BI 2/3/93	G
JACKSON, Cyntia Denise	26 Feb 1990	G
KITCHINGS, Maxine Christianna	28 May 1992	G
LATTIMORE, Bessie Mae	17 Jan 1985	G
REYNOLDS, Cheryl Ann	12 Nov 1992	OA

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PREVIOUS REPORTS RECEIVED JANUARY 3, 1994

CALIO, NICHOLAS E.	13 JUL 1992	S
MMACK, MARTHA REED	18 AUG 1989	S
CAMPBELL, VICTORIA ZIMA	22 APR 1992	S
CARLSON, DANIEL LEE	NOT ON FILE	S
CARPENTER, MARGARET VAN WAGENEN	SENT AUG 93	S
CASHIN, SHERYLL DENISE	SENT SEP 93	S
CATTALINI, ANN MARIE	SENT OCT 93	S
CAWLEY, CAROLYN MARIE	28 FEB 1990	S
CERDA, CLARISSA	SENT MAY 93	S
CERRELL, JOSEPH WALTER	SENT SEP 93	S
CHIRDON, DOUGLAS WAYNE	19 JUL 1991	S
CHUMACHENKO, KATHERINE CLARE	7 JUL 1988	S
CLEALE, CATHERINE	25 SEP 1989	S
COFFINA, SCOTT ANDREW	13 SEP 1989	S
COLBY, CLIFFORD WILLIAM	8 NOV 1989	S
(NES, RONALD	CURRENT BI	R

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PREVIOUS REPORTS RECEIVED

NOVEMBER 12, 1993

DAVIS, Samuel	BI sent 2 Feb 93	G
GARDNER, Craig James	14 Sep 1989	G
GRANADOS, Juan Ramon	BI sent 8 Apr 93	G
JACKSON, Darrell Cleveland	22 Dec 1988	G
LINDSAY, Nicole Renee	1 May 1991	G
LOWERY, James Arthur	BI sent 6 Apr 93	G
MCINTYRE, Robert LEE	BI sent 6 Apr 93	G
MCKENZIE, Bertha Ross	14 Dec 1989	G
MERRITT, Oscar William	11 Jul 1991	G
MONROE, Delores Amy	3 Oct 1989	G
MOY, Lawrence Donald	21 Aug 1992	G
PADGETT, Frank	BI sent Jul 93	G
PITCHFORD, Polly Frances	BI sent Jan 93	G
POSEY, Frank Reginald	BI sent Apr 93	G

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PREVIOUS REPORTS RECEIVED

OCTOBER 13, 1993

WILSON, Bret Taylor

7 May 1987

N

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PREVIOUS REPORTS RECEIVED	NOVEMBER 04, 1993	
GAMBLE, Alice Mae	7 Apr 1992	G
RDNER, Sonja Helena	12 Apr 1998	G
GARRETT, Charles Henry	28 Dec 1992	G
GETER, Thelma Delores	29 Jan 1992	G
GRAVES, Eula Dean	23 Jun 1988	G
GREEN, Annie Mae	21 Jan 1992	G
GREENWELL, Mildred Ethel	1 Aug 1991	G
HANDELAND, Larry Eugene	25 Jun 1991	G
HARMAN, Michael Edward	28 Aug 1992	G
HARRIS, Gregory Darnell	11 Dec 1986	G
HARRIS, Rosco	20 Jul 1988	G
ISOM, Charles Carnel	NO BI since Jan 1993	G

000014

PREVIOUS REPORTS RECEIVED

OCTOBER 4, 1993

LEDSKY, Nelson Charles	7 Jul 1987	N
KE, Nancy Bearg	5 May 1989	N
DOUGLAS, Louis	(No FBI report submitted by FBI)	G

PREVIOUS REPORTS RECEIVED

OCTOBER 5, 1993

CHAMBERLIN, Wendy Jean	5 Apr 1990	N
WNIE, George Washington	9 Jan 1985	R
KANTER, Arnold Lee	3 Sep 1991	N
SALVETTI, Lloyd Donald (No FBI report Submitted)		
SELMON, James Edward	4 Jun 1991	R

PREVIOUS REPORTS RECEIVED OCTOBER 6, 1993

DEPOORTERE, Brenda Kay	1 Jul 1988	N
ROY, Deborah Wood	1 Jul 1988	N
PORTA, Julie Madison	17 Jul 1985	N

PREVIOUS REPORTS RECEIVED

NOVEMBER 08, 1993

GILLESPIE, Reves Lane	20 Jun 1988	G
ARD, Clayton Lemuel	2 Feb 1988	G
HERR, Charles Francis	10 Oct 1991	G
HILL, Mildred Juanita	4 Jan 1993	G
HILLIARD Loyce	22 Aug 1988	G
HOOD, Luvenia Palmer	14 Sep 1989	G
HOSKINS, Doris Sharon	8 Mar 1991	G
JOHNSON, Barbara Jean	5 Aug 1991	G
JOHNSON, Rogenia Tomines	28 Sep 1989	G
JOHNSON, Selena Virginia	15 Jan 1988	G
KELLERMAN, Edward Francis	13 Aug 1987	G
KINSMAN, Linda Kay	27 Jan 1988	G
KNIGHT, Rickie Lamont	21 Nov 1989	G
LANGLEY, Agnes Leoma	28 Sep 1987	G
LEACRAFT, Mattie Oree	10 Feb 1992	G

PREVIOUS OF 1988 OUT THE DOOR ON 18 OCT 1993

ANDRICOS, GEORGE MICHAEL	4/4/88	NSC-EOB 375
BERRY, HOSEA JR.	8/2/88	GSA-EOB 48
BARNHART, ROOSEVELT	10/25/88	GSA-EOB 48
BARIL, MICHAEL PHILIP	8/17/88	GSA-EOB 48
BATTENFIELD, PATRICIA ANN	3/3/88	NSC-EOB 397
BALOD, PATRIA GASPAR	9/13/88	WHCU-EOB 41
BEERS, JAMES EDWARD	6/24/88	GSA-EOB 48
BELL, JAMES GEORGE	10/17/88	GSA-EOB 48
BOLINSKI, CHARLENE CONSTANCE	8/16/88	NSC-EOB 397
BROOKS, JOHN HENRY	4/14/88	GSA-EOB 48
BROWN, JAMES	3/11/88	GSA-EOB 48
BYRON, JOHN KARL	4/18/88	C&P-EOB 089
CLARK, BRONYA HARTNESS	8/26/88	NSC-EOB 397
CURLEY, ALEASE SELMA	6/24/88	GSA-EOB 48
DANIEL, PATTY ANNALEE	9/2/88	NSC-EOB 397
DAN, BERNICE ELIZABETH	8/2/88	C&P-EOB 89
DEIBLER, ALTON CURTIS	6/28/88	C&P-EOB 89
DIXON, LORENZO BERTRAM Dead	6/28/88	GSA-EOB 48
DUDLEY, EDWARD GEORGE	6/11/88	AT&T-EOB 020
FOWLER, ROBERT ANTHONY	6/23/88	GSA-EOB 48
HARRINGTON, RICHARD LAWRENCE	5/4/88	AT&T-EOB 020
HEAD, JERRY MICHAEL	9/27/88	C&P-EOB 89
HOLLAND, ROBERT ANTHONY	1/7/88	AT&T-EOB 020
KRUCHESKY, ILLA LORRAINE	7/28/88	WHCU-EOB 41
ORFIELD, JERRY RAY	8/15/88	AT&T-EOB 020
RIPLEY, IZELL S	8/2/88	C&P-EOB 89

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	PREVIOUS OF 1988 OUT THE DOOR ON 18 OCT 1993	
ROGERS, JAMES RAYMOND	7/9/87	WHCU-EOB 41
SEWALL, HOMER NELSON	6/28/88	C&P-EOB 89
RICKER, ROBERT LEWIS	6/27/88	AT&T-EOB 020
WINDSOR, BARBARA ANN	8/31/88	WHCU-EOB 41

PREVIOUS REPORTS RECEIVED

NOVEMBER 10, 1993

WINKINS, Gladys Beulah	5 Feb 1992	G
LOOM, Daryl Clinton	28 Aug 1989	G
JACKSON, Betty Lee	30 Dec 1992	G
JONES, Harold Jackson	20 Jun 1988	G
JONES, Margaret Marie	9 Jun 1992	G
KELLY, Joseph Lomax	8 May 1991	G
KILGO, Deloris Jackie	26 Sep 1988	G
LAGANA, Joseph	29 Oct 1991	G
LITTLETON, Raymond Thomas	4 Feb 1992	G
LOS, Mark David	19 Sep 1989	G

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PREVIOUS REPORTS RECEIVED

OCTOBER 13, 1993

WILSON, Bret Taylor

7 May 1987

N

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PAGE 1.

PREVIOUS REPORTS RECEIVED

DECEMBER 14, 1993

ABDOO, Helen Theresa	8 Oct 1987	S
ER, Christine Anne	6 Jan 1992	S
BARREAUX, Theordore Charles	No Info	S
FRIES, Clark Leon	7 Sep 1988	R

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PREVIOUS REPORTS RECEIVED

OCTOBER 12, 1993

FERGUSON, Barbara Ann

14 Jan 1991

(

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PAGE 1.
}

PREVIOUS REPORTS RECEIVED DECEMBER 15, 1993

BACARISSE, Charles Edward	19 Jun 1989	S
CH, Cristena Lynn	11 Mar 1986	S
BAKER, James Addison	11 Jan 1989	S

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PREVIOUS REPORTS RECEIVED

NOVEMBER 15, 1993

CAULEY, Dean William	5 Jun 1990	G
MCCRAY, Frederick Herbert	14 Apr 1992	G
MCKNIGHT, John Henry	6 Nov 1989	G
MEANS, Cornelia Jewell	23 May 1991	G
MILLER, Jason Deleon Wilton	5 May 1987	G
MITRIONE, Vito	24 Apr 1987	G
MOORE, Leatha McGhee	3 Sep 1987	G
MOORE, Jeter Anthony	8 Sep 1992	G
MYERS, Joseph Donald	22 Dec 1992	G
NELSON, SYKVIA	15 Jul 1992	G
PANKEY, Herbert Leon	9 May 1991	G
PARKER, Diane Levern	20 Mar 1991	G
PATTEN, John Gerald	23 May 1986	G
PATTERSON, Clara Mae	3 Feb 1992	G
PUTT, Margaret Wadsworth	15 Sep 1987	G
RAICE, Lucille Bryant	30 Oct 1991	G
PROCTER, Mary Callie	27 Jul 1990	G
TIPTON, Elizabeth Jane	26 Jan 1993	A/C.U.
MCCAULEY, Dean William	5 Jun 1990	G
MCCRAY, Frederick Herbert	14 Apr 1992	G
MCKNIGHT, John Henry	6 Nov 1989	G
MEANS, Cornelia Jewell	23 May 1991	G
MILLER, Jason Deleon Wilton	5 May 1987	G
MITRIONE, Vito	24 Apr 1987	G
MOORE, Leatha McGhee	3 Sep 1987	G
MOORE, Jeter Anthony	8 Sep 1992	G
MYERS, Joseph Donald	22 Dec 1992	G

PREVIOUS REPORTS RECEIVED	NOVEMBER 15, 1993	
NELSON, SYKVIA	15 Jul 1992	G
WENKEY, Herbert Leon	9 May 1991	G
PARKER, Diane Levern	20 Mar 1991	G
PATTEN, John Gerald	23 May 1986	G
PATTERSON, Clara Mae	3 Feb 1992	G
PITT, Margaret Wadsworth	15 Sep 1987	G
PRICE, Lucille Bryant	30 Oct 1991	G
PROCTER, Mary Callie	27 Jul 1990	G
TIPTON, Elizabeth Jane	26 Jan 1993	A/C.U.

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PREVIOUS REPORTS RECEIVED	DECEMBER 16, 1993
BATES, David Quentin	25 Jun 1991 S
AN, Eileen Ferne	25 Jan 1993 S
BLESSEY, Stephanie Elizabeth	15 Aug 1989 S
BORCHARD, Susan Aileen	19 Aug 1983 S

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PREVIOUS REPORTS RECEIVED	NOVEMBER 16, 1993	
MARTINEZ, Thomas Ocacio	24 Oct 1989	G
CREADY, John Berkeley	20 Sep 1989	G
MCKNIGHT, Estella	24 Oct 1989	G
MUNCK, Scott Anthony	21 Jan 1992	G
NELL, Kenneth William	4 Sep 1991	G
OWENS, James William	9 Nov 1988	G
PROCTER, Carlo Nicholas	13 Jan 1992	G
THORNE, Tina Ann	23 Nov 1990	M/AT&T/C&P

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PREVIOUS REPORTS RECEIVED

DECEMBER 17, 1993

ABIERA, Lunelisa Suralta	2 Dec 1991	S
ASHOV, Leonid (NMN)	24 ASug 1989	S
BAILEY, Mary Stewa Smallpage	7 Jun 1989	S
BALILES, Roy Kenneth	12 Mar 1990	S
BARLETTA, Kathryn Anne	13 Mar 1986	S
BARNES, Karen Lee	26 Aug 1992	S
BARNETT, Jane Elizabeth	27 Aug 1991	S
BARNETT, Patricia Ann	31 Mar 1987	S
BARRE, Bart Christopher	7 Jul 1992	S
BARRON, Donna Louise	20 Jul 1989	S
BARTH, Shanette Michaele	2 Jul 1992	S
BATEMAN, Paul William	3 May 1989	S
BATTAGLIA, Lisa Maria	12 Jul 1988	S
BAUR, Kathleen Elizabeth	10 Sep 1990	S
BECKER, Jean Loretta	3 Jul 1989	S
BECKER, Jerome David	14 Mar 1986	S
BEDARD, Catherine Therese	22 Jun 1992	S
BELL, Louise Helen	13 Jul 1987	S
BENJAMIN, Mary Lee	2 Dec 1991	S
BEREZNY, Caroline Clare	29 Jun 1990	S
BESERRA, Rudy Max	7 Nov 1986	S
BEVACQUA, Anita Carol	3 Aug 1987	S
BINION, Elizabeth Ann	10 Aug 1992	S
BINNS, Mary Ursula	1 Nov 1991	S
BIRD, Debra Anne	23 Apr 1991	S
BIZIC, Mark Gustav	23 Jul 1992	S
BLACK, David Lee	18 May 1987	S

PREVIOUS REPORTS RECEIVED DECEMBER 17, 1993

BLACKBURN, Barbar Ann	24 Sep 1990	S
ANKLEY, Anthony David	14 Mar 1984	S
BLODGETT, SUZETTE A.	5 Jul 1988	S
BLUMENTHAL, Gary Robert	23 Sep 1991	S
BOARD, Elizabeth Iden	11 Jan 1985	S
BOLTEN, Joshua Brester	16 May 1989	S
BONINO, Carolina Orgeira	21 Sep 1989	S
BOSTICK, Gladys Rebecca	14 Mar 1991	S
BOTWIN, Sharon Marie	23 Jun 1989	S
BOWEN, James Jr.	5 Aug 1988	S
BRACKEN, Ann Rosemary	15 May 1990	S

	PREVIOUS REPORTS RECEIVED	NOVEMBER 18, 1993
PISTORIO, Joseph Philip	Apr 1993	G
--AKAS, James Constantine	15 Jan 1992	G

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PREVIOUS REPORTS RECEIVED	DECEMBER 20, 1993
BATES. Charles Edward	No Info on File S
BATES, Lorri Jeanine	No Info on File S
...TT, Rochelle Heidi	No Info on File S
BAUMEYER, Matthew Scott	No Info on File S
BAUMSTEIN, Amy Meredith	No Info on File S
BAYNARD, Brian Callaway	No Info on File S
BEATTY, Jayson Frank	No Info on File S
BECHERER, Thomas Luther	No Info on File S
BEERS, Patrick Adam	No Info on File S
BELBY, Kateri Ray	No Info on File S

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PREVIOUS REPORTS RECEIVED SEPTEMBER 20, 1993

ADDIS, Scot Alan	7 Oct 1987	N
DREW, Timothy Duane	9 Jun 1988	N
ARGARIN, Jocelyn Deriquito	20 Feb 1992	N
AVIS, Walter Emils	21 Aug 1989	N
BAKER, Steven James	9 Nov 1989	N
BAKKE, Kyle Duane (FBI STATE BI SENT TO HERE 9/10/93)		N
BALDWIN, John S.	30 Nov 1983	
BARRY, Kevin Gerard	8 Mar 1988	N
BARTH, Richard Carl	26 Jan 1990	N
BATTENFIELD, Patricia Ann	3 Mar 1988	N
BAUMSTARCK, Joan Eichten	7 May 1990	N
BELLAMY, Ralph Carter	Listed in the Book Pg 1.	N
BLACKWELL, Robert Dean	9 May 1989	N
BLAIR, Mary Katherine	15 Aug 1989	N
BLEIKEN, Neil Gerhard	9 Jul 1991	N
(ITGEN, William Frederick	11 Dec 1987	N
BOLINSKI, Charlene Constance	16-Aug 1988	N
BRESNAHAN, Gary Edwin	27 Jul 1992	N
BRINTNALL, Clarke McCurdy	24 Aug 1988	N
BROOK, Linton Forrestall	14 May 1992	N
BROOME, Richard Earl	29 Jul 1988	N
BROWNE, Barbara Eicher	24 Nov 1986	N
BUNCH, Susan Grant	27 Oct 1986	N
BURLINGAME, Scott	20 Aug 1990	N
BURNS, R. Nicholas	21 Aug 1990	N
CANAS, Richard Leon	10 Oct 1990	N
CHAMBERS, Charles Wade	4 May 1987	N
CHARLES, Snadra Lea	6 Oct 1988	N

PREVIOUS REPORTS RECEIVED SEPTEMBER 20, 1993

CHARNES, Lance William	3 Apr 1986	N
ENEY, Dennis Watson	13 Feb 1990	N
CHILDRESS, Richard Thomas	23 Sep 1987	N
CHRISTENSEN, Pater James	9 Nov 1987	N
CICIO, Kirsten Karol	27 Apr 1992	N
CLARK, Bronya Hartness	26 Aug 1988	N
COBB, Tyrus William	14 Dec 1988	N
COHEN, Herman Jay	27 Mar 1989	N
CONLEY, Stephen Carrol	13 Dec 1991	N
CONNOLLY, Catherine Ann	1 Dec 1983	N
COOPER, Mary Mercer	19 Jun 1987	N
COX, Mary Prather	16 May 1988	N
CRAIG, Anitalouis Joyce	22 Aug 1988	N
CRANER, Lorne Whitney	19 Oct 1992	N
COULSON, Edward Bret	17 May 1989	N
(OMPTON, Thomas Ramsey	1 Jun 1988	N
CROWELL, Linda Joyce	17 Nov 1987	N
CURTIN, Jeremy Francis	15 Mar 1988	N
CURTISS, Joanne Elizabeth	23 May 1987	N
DANIEL, Patty Annalee	2 Sep 1988	N
DAPENA, Ramon	17 Oct 1983	N
DAVIS, James Washington	11 Jan 1993	N
DAVIS, Richard Arthur	23 Aug 1989	N
DEAL, Timothy Edward	11 Feb 1980	N
DESINA, Barbara Anne	6 Aug 1987	N
DONLEY, Michael Bruce	3 Oct 1989	N
DORMINEY, Arthur Blair	22 Aug 1988	N
DIONNE, Rachelle Dionne	22 Aug 1988	N

PREVIOUS REPORTS RECEIVED	SEPTEMBER 20, 1993	
DRAPER, Mary Dale	8 Feb 1991	N
WOBEN, Linda Jeanette	22 Aug 1988	N
EMERY, Mary Catherine	17 Aug 1990	N
FEATHERSTON, Christopher Thomas	6 Aug 1986	N
FICLIN, John Wrory	28 Jan 1991	N
FORD, Entell	21 Jul 1988	N
FORTIER, Alison Brenner	17 Aug 1987	N
FRANK, Robin Jo	28 Sep 1988	N
FRANK, Valerie	25 Mar 1992	N
FRY, Michael Dunham	5 Mar 1990	N
FUNCHES, Christina Laurelle	23 Mar 1988	N
FURBUSH, Helen Holcomb	12 Sep 1991	N
GANTT, Florence	22 Oct 1992	N
GERRY, Robert Livingston	16 Nov 1989	N
GIBBS, Kathy Arlene	13 Mar 1985	N
GILLESPIE, Charles Anthony Jr.	20 Oct 1992	N
COMPERT, David Charles	16 Oct 1990	N
GORDON, John Alexander	9 Jun 1989	N
GRANT, William John	8 Jun 1988	N
GRAUL, Charles Troy	28 Jun 1989	N
GRAY, Wendy Elaine	10 Apr 1987	N
GRIMES, John Grayson	30 Jan 1990	N
GATES, Robert Michael	14 Aug 1991	N
HAASS, Richard Nathan	21 Mar 1989	N
HALL, Wilma Gray	28 Jan 1988	N
HAWES, David Jeffrey	23 Sep 1991	N
HAYDEN, Michael Vincent	16 Oct 1989	N
HERRINGTON, David Edwin	2 Nov 1992	N

PREVIOUS REPORTS RECEIVED	SEPTEMBER 20, 1993
HEWETT, Edward Albert	16 Apr 1991 N
HILL, Kenneth John	2 Nov 1990 N
HILL, Martha Freeman McKinzie	25 Sep 1992 N
HILL, Roseanne Marie	6 Feb 1991 N
HILLIARD, Brenda Ironmonger	10 Oct 1991 N
HODGE, Calvit Dolvin	24 Apr 1990 N
HOLL, Jane Ellen	7 Nov 1991 N
HUGHES, Jeffrey Lynn	5 Sep 1986 N
IERUBINO, Deborah Ann	16 Nov 1989 N
JACOBSEN, William Ludwig	12 Aug 1988 N
JAKUBOSKI, Jeffrey John	5 Oct 1989 N
JAMESON, Lisa Rodman	4 Sep 1992 N
JEFFERS, Janet Marie	19 May 1981 N
JOHNSON, Donald Crandall	19 Mar 1990 N
JOHNSON, Eric Thomas	24 Jan 1990 N
JONES, Jeffery B.	16 Mar 1992 N
LAAY, Gilda Lee	18 Jun 1986 N
KERNAN, Barry Patrick	17 Jun 1986 N
KERR, Andrew Stanley (FBI STATE BI SENT TO HERE 8/2/93)	N
KITCHEN, David Vincent	20 Sep 1989 N
LAMAGNA, Richard Charles	14 Jun 1989 N
LAMPLEY, Virginia Ann	13 Mar 1989 N
LAPOSA, Joseph Emery	8 Feb 1988 N
LANGLEY, John Samuel	3 Feb 1992 N
LAWSON, Willie Thomas	6 May 1992 N
LEBRAS, Paul Joseph	20 May 1987 N
LEAHY, Kathleen Ann	2 Jan 1990 N
LEARY, William Henry	10 Dec 1991 N

PREVIOUS REPORTS RECEIVED SEPTEMBER 20, 1993

LEVIN, Daniel Bernard	13 Jul 1988	N
WIS, John Frederick	8 Sep 1987	N
LUBER, Helen DuShane	20 Sep 1993	C
LIMO, Diane Gloria-Jean	21 Jun 1991	N
LINDSEY, Wanda Denise	6 Sep 1989	N
LINHARD, Robert Emmet	19 Aug 1987	N
LINHARES, Patrick Haven	8 Mar 1990	N
LOEW, Pamela Goadby	15 Sep 1986	N
LOWENKRON, Barry Frederick	19 Feb 1992	N
MAHLEY, Donald Arthur	31 May 1984	N
MALICK, George John	7 Jun 1989	N
MARKS, Adrienne Marie	24 Mar 1991	N
MARSHALL, Betty Ann	14 Oct 1987	N
MASSA, Jeffrey Paul	25 Sep 1992	N
MAXFIELD, Nancy Helene	5 Jul 1989	N
(ENROE, Michael James	20 Nov 1991	N
McGreath, Timothy Alen	27 Aug 1992	N
McINTYRE, Stuart Hull	10 Nov 1988	N
McMUNN, David James, Jr.	30 Jul 1990	N
McNAMARA, Thomas Edmund	26 Mar 1987	N
MENAN, Nancy Vivian	8 Apr 1985	N
Menath, Jeffrey Mark	11 Feb 1988	N
METZ, Mary Elissa (FBI STATE BI SENT TO HERE 8/6/93)		N
MILLER, David Charles, Jr.	10 Mar 1989	N
MILLISON, Cathy Louise	1 Dec 1992	N
MINNING, Amy Mckim	26 Oct 1989	N
MISKEL, James Francis	15 Apr 1987	N
MITMAN, Matthias John Post	18 Sep 1990	N

PREVIOUS REPORTS RECEIVED	SEPTEMBER 20, 1993
MITCHELL, Carol Darlene	2 Oct 1987 N
WITSLER, Elaine M.	15 Jan 1991 N
WOODY, Angelyn Delois	11 Jan 1991 N
MONTGOMERY, John William	13 Sep 1989 N
MOORE, Gary Lee	29 Aug 1985 N
MOORE, Roderick Anthony	12 Dec 1988 N
MORLEY, Robert Bruce	10 Sep 1991 N
MORRISON, Mark Edwin	17 Sep 1986 N
MUGRIDGE, Gary Lewis Jr.	24 Sep 1990 N
MURPHY, Jacqueline Ann	29 Jul 1985 N
MURPHY, Miles Randall	9 Jun 1992 N
NEGROPONTE, John Dimitri (FBI STATE BI SENT TO HERE 7/9/93)	N
NIEMERSKI, Stephen Gregory	19 Jun 1992 N
NELSON, Patricia Dean	29 Dec 1989 N
NEEDLES, Christopher James	28 Apr 1989 N
OGLE, Karen Lee	14 Dec 1988 N
ARA, Robert Joseph	3 Mar 1988 N
OLEARY, Cornelius Francis	4 Oct 1989 N
ONATE, Andres David	29 Mar 1988 N
PAHLKE, Helen (FBI STATE BI SENT TO HERE 2/11/93)	N
PAQUETTE, Carol Ann	13 Feb 1984 N
PAOLI, Flora Bramson	1 Nov 1985 N
PASSAGE, David D.	7 Jul 1989 N
PASTORINO, Robert Stephen	12 Sep 1988 N
PATTERSON, Torkel Lloyd	30 Jul 1991 N
PEREZ, Timothy James	2 May 1991 N
PERITO, Robert Michael	9 Mar 1988 N
PERRYMAN, Richard Neal	6 Dec 1990 N

PREVIOUS REPORTS RECEIVED

SEPTEMBER 20, 1993

PETCHEL, Beverly Lorraine	16 Jan 1991	N
PETERSON, Alan Rederick	17 Jun 1987	N
PETERSON, Phillis Evelyn	24 Aug 1988	N
PHILLIPS, Julie Rachel	3 Aug 1989	N
PILLING, Donald Lee	24 Oct 1989	N
POGASH, Lori Lynn	4 Oct 1988	N
PONEMAN, Daniel Bruce	8 Jan 1991	N
PRIMSOCH, William Edward	17 Jul 1992	N
PROKOP, Karen Susan	28 Jul 1987	N
PURDON, James Francis	6 Oct 1987	N
QUINN, Mary Elizabeth	16 Dec 1988	N
RADEMAKER, Stephen Geoffrey	1 Jun 1989	N
RADI, David Andrew	3 Jan 1989	N
RAGLE, Jeff Quinton	19 Jul 1991	N
RAMSAY, Martha Sue	14 Jan 1992	N
RETHBUN, Jeffrey Tad	22 Jul 1987	N
RAWSON, Patricia Ann	18 Dec 199	
REISS, Mithchell Bruce	21 Nov 1988	N
RICE, Condoleezz	12 Mar 1992	N
RILEY, Michael Arthur	3 Feb 1992	N
RITTER, Joan Jackson Yonaitis	24 Aug 1984	N
RITTER, Keith Brobst (No FBI Report submitted to this office)		
ROBINSON, George Douglas, Sr.	16 Nov 1988	N
RODMAN, Peter Warren	25 Apr 1986	N
ROOTS-WIGGINS, Lilly Renee	11 Jan 1988	N
ROSTOW, Charles Nicholas	8 Oct 1992	
RUNION, Virginia Ruth	21 Dec 1988	
SALVETTI, Lisa Marie	14 Feb 1990	

PREVIOUS REPORTS RECEIVED SEPTEMBER 20, 1993

SAUNDERS, Richard Marvin (FBI STATE BI SENT TO HERE 6/21/93)

STANNELL, Carol Lea	19 Mar 1991	N
SCHILLACI, Norma Dawn	10 Apr 1991	
SCULIMBRENE, Thomas Anthony (FBI STATE BI SENT TO HERE 8/6/93)		
SCOWCROFT, Brent	13 Nov 1989	
SEELY, Charlotte Palmer	17 Apr 1990	
SEDNEY, David Samuel	29 Aug 1988	
SHEEHAN, Michael Andrew	31 Aug 1992	
SIGLER, Ralph Hoyt	7 Aug 1991	
SITTMANN William Frederick	26 May 1989	
SNOW, Diana Lynn	28 Jan 1992	N
SNYDER, Daniel Lee	20 Apr 1988	N
SNIDER, Don Melville	7 Oct 1987	N
STALCUP, O. Ruth	15 Mar 1990	N
STEARMAN, William Lloyd	18 Aug 1992	N
STEINER, Steven Edward	8 Feb 1984	N
LEINHOFF, Lena Rae	5 Apr 1990	N
STEVENS, Kristina Mary	18 Sep 1992	N
STEVENS, Paul Schott	11 Mar 1987	N
STULTS, Mary Kay Luker Holder	13 Apr 1992	N
SULLIVAN, Stephanie Sanders	2 Feb 1989	N
SULSER, Jack Arnold	16 Nov 1988	N
SUMMERS, Hollis Spurgeon	1 Oct 1991	N
SWEENY, Cynthia Elizabeth	14 Apr 1988	N
TACKETT, Buford Delmont	7 Nov 1991	N
TANNER, Ellen Joy	31 Jul 1992	N
THOMPSON, Trudie Elizabeth	6 Mar 1990	N
THORTON, Corinne	22 Dec 1988	N

PREVIOUS REPORTS RECEIVED SEPTEMBER 20, 1993

TICE, Donald Clinton	29 Apr 1987	N
LLEY, Steven Douglas	30 Apr 1989	N
TOBEY, William Hayward	1 Oct 1991	N
VALLEE, Jean Alice	14 Dec 1988	N
VANTASSEL, David Sterling	6 Jan 1992	N
VONLEMBKE, Ronald Eugene	10 Jan 1991	N
WADSWORTH, Mary Margaret	15 Jun 1990	N
WALSH, Helen Claire	29 Oct 1992	N
WAGNER, Amy Lynn	18 Oct 1991	N
WAGUESPACK, Michael Jude	5 Aug 1992	N
WAYNE, Earl Anthony	20 Aug 1991	N
WELCH, C. David	5 Jun 1989	N
WIANT, Jon Allen	20 Jul 1988	N
WILLEY, Kevin James	15 Oct 1984	N
WILSON, Heather Ann	8 Sep 1989	N
WILSON, Marilyn Eunice	13 Jun 1989	N
WHITLEY, Janis Kay	20 Jun 1989	N
WOLFE, Julian Thomas	29 Jun 1988	N
WRIGHT, Allison Marie	17 Jul 1992	N
ZELIKOW, Philip David	23 Oct 1989	N
ZINGLER, Charles Aubrey	17 Jul 1987	N

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PREVIOUS REPORTS RECEIVED

DECEMBER 21, 1993

BRADY, James Scott

No Info on File S

WNE, Sara Ann

BI Sent 2/18/93 S

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PREVIOUS REPORTS RECEIVED	SEPTEMBER 21, 1993	
BURSON, Betty Jane	30 Aug 1985	N
ARKE, Richard Alan	6 Oct 1992	N
HUGHES, Gary Philip	18 Jul 1988	N
VAUGHAN, Daniel Eric	21 Jun 1993	N
WHITMAN, Roy Gordon	(No FBI Report submitted)	N

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PREVIOUS REPORTS RECEIVED	DECEMBER 22, 1993	
BASSUK, Gregory David	No Info on File	S
VER, Gaule	BI Sent 6/93	S
BECKEL, Heather Marie	BI Sent 4/93	S

PREVIOUS REPORTS RECEIVED	SEPTEMBER 22, 1993	
MERCHANT, Brian Timothy	12 Jan 1988	N
WOLEY, Kevin Edward	18 Oct 1991	O
MANERON, George William	4 Jan 1993	N

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PREVIOUS REPORTS RECEIVED	NOVEMBER 19, 1993	
MCKENZIE, Owen Corle	7 Jul 1988	G
TOWMAN, Mildred	18 Oct 1991	G
FAIR, Bailly	11 Aug 1987	G
PORTER, Gidell	NO INFO	
PRICE, Francis Floyd	4 Feb 1992	G
RIDDLE, Leonard Franklin	NO INFO	G
RIGGLEMAN, Oscar Eugene	Jan 1993	G
ROSE, Noel Mason	Jan 1993	G
ROSENBERGER, James Donald	Jan 1993	G
ROSIER, Cassandra Alfelro	Mar 1993	G
RUSK, Wayne Allen	Feb 1993	G
SHANNON, Shirley Mae	Jan 1993	G
SHAW, Julie Marilyn	NO INFO	G
SHEA, Thomas Joseph	Apr 1993	G
STEWARD, Sean Jerome	NO INFO	G
SWAN, Marylin Annette	NO INFO	G
SWANN, Melva Dramaine	Apr 1993	G
THORNE, Tina Ann	Nov 1993	G

PREVIOUS REPORTS RECEIVED DECEMBER 27, 1993

AREY, Linda Lugenia	27 Oct 1988	S
AL, Robert Gregory	2 Apr 1993	S
BIZIC, Danica	18 Sep 1989	S
BRADY, Phillip Donley	30 Jan 1991	S
BRASSEUX, Barnaby Lair	1 Mar 1993	S
BREEDEN, Richard Carroll	8 Sep 1989	S
BRIDGEMAN, Marjorie Anne	16 Oct 1989	S
BRISCUSO, Raymond Joseph Jr.	22 Aug 1989	S
BROCK, Ann Cathey	26 Sep 1989	S
BROTT, Michelle Marie	11 Dec 1987	S
BROWN, Ronald James	1 Jul 1991	S
BRYANT, Chester Corbett Jr.	25 Jul 1989	S
BULL, Catherine Eleanor	10 Aug 1992	S
BULLOCK, Katja	24 Sep 1987	S
BUNTON, Jean Marie	3 Jan 1992	S
(EIKA, Rita Davia	14 Aug 1986	S
COLDWELL, Lisa Tower	No-Info on File	S

PREVIOUS REPORTS RECEIVED	SEPTEMBER 27, 1993
ATKINSON, James (NMN)	4 Jun 1991 R
CARTER, Richard Ray	29 Aug 1988 R
ARK, Cletus Lee	1 May 1991 R
CLIBER, William Richard	7 Jan 1985 R
COLLICK, Lester Elwood	1 Jul 1988 R
CRAWLEY, Georgia Lenora	21 Oct 1987 G
DIXON, Lorenzo Bertram	28 Jun 1988 G
ECHON, Eduardo	16 Oct 1987 G
HAMILTON, William Nathaniel, Sr.	22 Jul 1988 R
HARLEY, Roland Alton	4 Sep 1992 R
MEYER, Bernard Rozoff	6 Jun 1991 R
PAJE, Juanito Paranda	1 May 1991 R
ROBINS, Mark Lee	9 Apr 1991 R
RUTA, Frank Anthony	20 Jun 1988 R
SCARFONE, John Joseph	24 Aug 1988 R
WATSON, Edgar Loudin Jr.	25 Aug 1988 R

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PREVIOUS REPORTS RECEIVED

DECEMBER 28, 1993

BELFER, Elizabeth Kones	No Info on File	S
CCIA, Margaret M.	No Info on File	S
CALDWELL, William Burns	No Info on File	S
CARPENDALE, Andrew Michael	No Info on File	S
MARCICH, Christopher Peter	No Info on File	S

PREVIOUS REPORTS RECEIVED

SEPTEMBER 28, 1993

ARNOLD, Mary Frances	9 May 1991	R
BOUR, Dianne Shewbart	17 Oct 1990	R
BARRETT, Annie Williams	6 Jan 1992	R
BROWN, Jerome Bernard	10 Oct 1985	R
CARTER, Robert J.	1 Aug 1991	R
CARTER, William Alexander	2 Mar 1988	R
CHAMRBIN, Pierre Christian	20 Jul 1990	R
CHAPMAN, Richard (NMN) Jr.	12 Jan 1993	R
CLARKE, Nancy Kay	4 Sep 1992	R
CURRY, Mary Magdlene	12 Apr 1984	G
EMERY, Christophe Beauregard	24 Mar 1986	R
FANNING, John Edward	21 Mar 1988	R
FULGHUM, Keith Powell	15 Jan 1992	R
GALLAHAN, Robert Brandt	14 Jan 1988	R
GRAYSON, William John	4 Aug 1988	R
JK, Dennis Jeffrey	12 Dec 1991	R
JENSEN, Joel David	3 Jan 1992	R
KONDON, Angela Horton	7 Jan 1989	R
LORENZ, Alfred Joseph	19 Jan 1991	R
MCKINNEY, Rickey Lee	22 Dec 1992	R
MESNIER, Roland Robert	5 Sep 1991	R
MITCHELL, Nancy Francisco	17 Sep 1992	R
MORROW, Benjamin Herbert	26 Aug 1992	R
MUFFLER, John Paul	14 Nov 1991	R
MUFFLER, Richard Thomas	27 Aug 1992	R
NOCK, Arthur Watson	12 Jan 1993	R
PAYNE, Ronald Lee	27 Aug 1992	R
PETTIT, James Anthony Jr.	19 Jun 1989	R

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PREVIOUS REPORTS RECEIVED SEPTEMBER 28, 1993

RAMSEY, James (NMN)	15 May 1991	R
THODES, Samuel Delbert	25 Aug 1988	R
SMITH, Alma Marie	9 Sep 1992	R
SMITH, Ronald Jay	7 Aug 1992	R
STEVENS, Stewart Calvin	4 Aug 1988	R
TEDERICK, Lydia Susanne	(Nothing in FBI Files)	R
TEDERICK, Paul Michael	12 Jun 1991	R
WILLIAMS, Gary Edward	5 Jul 1988	R
WILLOUGHBY, Woodward Carrington	18 Sep 1987	R
WHISTON, Timothy Phil	6 Mar 1992	R
WHITE, Worthington Wyatt	4 Jan 1993	R

PREVIOUS REPORTS RECEIVED

SEPTEMBER 29, 1993

BARRETT, James Earl	5 May 1992	R
ERRY, Joyce Yolane	22 Nov 1991	G
COLEMAN, Lillian Williams	10 Dec 1985	G
CONTEE, Vincent Theodore	24 Oct 1988	R
COWARD, Leroy Dewayne	10 Sep 1985	G
CURRY, Minnie Bell	29 Jun 1984	G
DARDEN, Don Edwin	4 Jan 1984	R
ELASSER, Wendy Batt	14 Jan 1992	R
FORTIN, Cresencio Obisco	30 Sep 1987	G
FRAME, Milton Wilfred	1 May 1991	R
FREEMYER, Dennis William	25 Jul 1991	R
JERMAN, Wilson Roosevelt	3 Dec 1991	R
KEEL, Matthew (NMN)	16 Aug 1988	R
LIMERICK, Christine Crans	10 Dec 1991	R
LITTLE, Linsey Ray	7 Jun 1988	R
LOSKEY, Matthew James	9 Sep 1992	R
MCCULLOCH, Franette Ellen	12 Aug 1988	R
MINOR, Catalino Baylon	28 Jun 1988	R
MOELLER, John Arnold	24 Sep 1992	R
MONKMAN, Betty Claire	13 Jun 1991	R
MORRIS, Suzanne Marie	29 Sep 1993	F
OLIVE, Fred Kelly	31 Jan 1985	R
PEYTON, Rockwood Lane	28 Aug 1992	R
RILEY, James Williams	3 Jun 1991	R
SANDERS, Julia Mae	25 Jul 1991	R
SHUFORD, Willie Thomas	11 Apr 1988	R
SPANGLER, Judith Ann	27 May 1988	R
STOLZ, Estelle Marquerite	20 Jan 1988	R

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PREVIOUS REPORTS RECEIVED SEPTEMBER 29, 1993

THOMPSON, Lawrence Michael	1 Sep 1992	R
LLACE, Natalie Vernet	23 Aug 1988	R
SAVOY, Tony Oneil	8 Aug 1988	R
WALTERS, Gary James	8 Jun 1988	R

PREVIOUS REPORTS RECEIVED DECEMBER 30, 1993

CARLSON, NICHOL LEIGH	Not on file	S
NES, KELLY HAWKINS	Not on file	S
CAROLINA, JEFFREY KEITH	Not on file	S
CARR, SALLIE WENNER	Not on file	S
CARRIERE, JOHN GERAND III	Not on file	S
CARROLL, JEREMY ETHRIDGE	Not on file	S
CARVELLE, JAMES	Not on file	S
CAVE, JULIAN ATTAWAY	Not on file	S
CAVENDISH, SARA JOAN	Not on file	S
CELEMTANO, GREGORY PHILIP	Not on file	S
CHADWICK, ALYSON HILLARY	Not on file	S
CHAMOVITZ, JULIA EDEN	Not on file	S
CHANG, ALFRED WEI-KAUNG	Not on file	S
CHAPPELL, LOGAN STANLEY	Not on file	S
CHEN, KEREDITH FERGUSON	Not on file	S

PREVIOUS REPORTS RECEIVED	SEPTEMBER 30, 1993	
ALLMAN, William Gerald	26 May 1988	R
BAGNALL, Florence Elizabeth	18 Jul 1986	N
.VIS, Sallie Ann	20 May 1988	R
ENGLISH, Harry (NMN)	18 Apr 1991	G
FERGUSON, Timothy Wayne	9 Mar 1987	G
FREEBERGER, Jeffrey Allan	29 Jun 1988	R
HUMPHREY, Lois Jean	16 Mar 1991	R
JOHNSON, Christopher Robert	13 Feb 1992	N
Reiter, Mary Esterline	24 Oct 1990	N
WALTERS, James Ray	20 Dec 1991	R

PREVIOUS REPORTS RECEIVED JANUARY 4, 1994

ANDERSON, ANN ELIZABETH	13 NOV 1987	S
ACKNEY, MARGARET LOUISE	23 MAY 1988	S
BURMEISTER, JANICE LEE	18 DEC 1987	S
BURNS, FRANCINE MARIA	8 FEB 1991	S
BURNHAM, NEALTON JAY	20 AUG 1991	S
BUSCH, MICHAEL JOSEPH	17 DEC 1990	S
BUSHUE, SANDRA KAY	18 FEB 1992	S
BUSTARD, BRUCE IRVING	22 JUL 1988	S
BUTLER, JUDITH ANN	25 APR 1985	S
BUTTERFIELD, DIANNE BURCH	24 DEC 1986	S
BUTTERFIELD, WILLIAM JOSEPH	15 OCT 1990	S
BYBEE, JAY SCOTT	21 NOV 1989	S
CALHOON, LANE FELICE	15 JUN 1987	S
CAMPBELL, FRANCES LORETTA	7 JUL 1988	S
CAMPBELL, JOYCE DIANE	19 NOV 1991	S
CAMPBELL, SARAH LOUISE	24 APR 1985	S
CAMPOLIETO, SHIRLEY ANN	5 JUL 1988	S
CANARY, WILLIAM JAMES JR.	1 JUN 1989	S
CARLSON, KATHLEEN SHAUGHNESSY	NOT ON FILE	S
CARMACK, TERRY ALAN	13 JUN 1989	S
CARNEY, DAVID MICHAEL	25 APR 1989	S
CARNEY, HOWARD ALBION	18 OCT 1985	S
CARNEY, LUCY COLE	7 AUG 1989	S
CARR, BOBBY GENE	18 OCT 1990	S
CARR, CHRISTOPHER STEVEN	NOT ON FILE	S
CARROLL, MARY KATE	13 OCT 1989	S
CARROLL, RITA RAVEL	8 FEB 1991	S
CARROLL, SALLY CLAUDE	NOT ON FILE	S

PREVIOUS REPORTS RECEIVED JANUARY 4, 1994

CARTER, ALLYSON WEBB	13 JUL 1992	S
SEY, ERLINDA ELIZABETH	12 JUN 1987	S
CASSE, DANIEL ANTHONY	15 NOV 1990	S
CASTLE, SHARA ANN	18 AUG 1988	S
CHAMBERS, RICHARDS LEE	NOT ON FILE	S
CHANG, JENNIFER	NOT ON FILE	S
CHAPMAN, JAMES DANIELS	NOT ON FILE	S
CHAPMAN, JOHN CRANBROOK	4 FEB 1987	S
CHARLES, PETER FARNAM	NOT ON FILE	S
CHARLES, ROBERT BRUCE	30 JUL 1992	S
CHODOROV, JILL MELISSA	8 MAY 1990	S
CHONKA, GLORIA JEAN	30 JUN 1987	S
CAIRLANTE, MARJORIE HEINS	19 JUL 1988	S
CLARK, SHARON ELIZABETH	18 FEB 1992	S
CLAYTON, ELIZABETH HOPE	15 SEP 1987	S
(INE, JOHN ANTHONY	15 JUL 1992	S
COCKING, JANE RUSK	2 MAR 1988	S
COHEN, BENEDICT SIMMS	5 AUG 1987	S
COHN, KAREN JOYCE	5 AUG 1992	S
CRABLE, LYNN ALLISON	17 JUN 1988	S
CROSS, STEPHANIE MARGUERITE	23 JUN 1992	S
CROUSE, JANICE SHAW	18 JUN 1992	S
CROW, MATTHEW ELTON	24 MAY 1988	S
CRIPPEN, DANNY LEE	30 JAN 1991	S
DAILEY, BRIAN DANIEL	21 JUN 1991	S

PREVIOUS REPORTS RECEIVED	NOVEMBER 05, 1993	
GREEN, Eva Harmon	8 Dec 1988	G
WASH, Robert Lee	NO BI After 6/5/93	G
MODLEY, Cornelious	NO BI After 30/4/93	G
KRAUSE, Walter George	NO BI After Jan 93	G
HEAD, Mary Lee	23 Dec 1991	G
HOLMAN, Arthur Joey	5 Jan 1987	G
HONEMOND, Claria Elizabeth	26 Jul 1989	G
HOWE, Morris Emanuel	12 Aug 1991	G
JACKSON, Raymond Gilbert	18 Nov 1987	G
JOHNSON, Airel	21 Aug 1986	G
JONES, William	2 Jul 1991	G
JULIAN, Dominador Teodore	19 Jun 1991	G
KEEL, Mildred Chandler	5 Oct 1987	G
KOGER, Vernell S.	24 Jun 1991	G
LAMAR, Patricia Ann	25 Apr 1988	G
LANDIS, Allan Leroy	24 Aug 1989	G
WES, William Fuller	13 Feb 1992	G
LEE, Dora	8 Nov 1991	G
IMES, William Leonard	NO BI After 4/12/93	G
ROBERTS, William Eugene	7 Jun 1988	OA
YOUNG, Patricia Luetta	7 Jun 1991	OA

: 000064

PREVIOUS REPORTS RECEIVED DECEMBER 8, 1993

AARHUS, Carol Blym	NO INFO ON FILE	S
ELISON, Melissa C.	NO INFO ON FILE	S
ASLANI-FAR, M. Adel	NO INFO ON FILE	S
AUPPERLE, Tammy Bloo	NO INFO ON FILE	S
BAKER, Barbara Wash	NO INFO ON FILE	S
RUTLEDGE, Andrea	28 Dec 1989	

PREVIOUS REPORTS RECEIVED

DECEMBER 13, 1993

ADAIR, Douglas Conrad	29 Sep 1988	S
ADINGTON, David Spears	6 Mar 1992	S
AGIN, Joseph Whitehouse	No Info	S
AHERN, Frederick Leonard	13 Jul 1987	S
ALDERMAN, Clifford Thomas	11 Jan 1991	S
ALEXANDER, Cara Leslie	11 Sept 1990	S
ALLISON, James Newby	30 Jun 1989	S
ALSOBROOK, David Ernest	11 Oct 1991	S
ALVAREZ, Richard Gus	11 Mar 1988	S
AMEND, Deborah Ann	5 Mar 1990	S
AMICK, Joan Marie	11 Sep 1992	S
AMORSINGH, L. Linus	10 Apr 1991	S
ANDERSON, Curtis Wiley	15 Mar 1988	S
ANDERSON, Debra Rae	15 May 1989	S
ANDERSON, Marcy Jeanne	16 Jun 1986	S
(ANDERSON, Stanton Dean	15 Jul 1991	S
ANDERSON, Susan Elizabeth	7 Nov 1989	S
ANDERSON, Rebecca Lee	29 Jul 1989	S
ANDRES, Gary John	26 Apr 1989	S
ARDLEIGH, Kirsten Clark	28 Apr 1992	S
ATKINSON, Dennis Maurice	12 Feb 1992	S
ARMENDARIZ, Rebecca Anne	13 Jul 1989	S
ARONSSON, Patricia Sue	14 Dec 1987	S
ARCHAMBAULT, Michele Lorraine	18 Feb 1987	S
ARSHT, Leslye Alene	13 Apr 1987	S
ASARE, Marion Louise	8 Feb 1988	S

PREVIOUS REPORTS RECEIVED DECEMBER 13, 1993

ASHLEY, Marc Anthony	17 Apr 1990	S
...TRUE, Michael James	31 May 1989	S
ATKINSON, Carolyn Florence	21 Mar 1991	S
AUEL, Lisa Benkert	12 Jul 1988	S
AUGUSTINE, Barbara McCauley	15 May 1991	S
AUTHER, Susan Marie	28 Jun 1988	S
BAILEY, Yvonne Gil	18 Jan 1988	S
BAKER, Kathleen Margaret	15 Apr 1991	S
BALESTRIERI, Jean Ann	13 Aug 1987	S
BALFOUR, Deborah	23 Mar 1984	S

MEMORANDUM

TO: CRAIG LIVINGSTONE

FROM: SA MARCECA

SUBJECT: FBI contact with White House Department of Correspondence

On November 3, 1993, about 2:00 pm, Daniel W. BURKHARDT, EOB-RM 98; (Special Assistant and Counsel to the Director of Office of Correspondence); (202) 456-7610; received a phone call from Jennifer MCCARTHY, Director of Office of Agency Liaison (EOB-RM 6), that she was sending FBI Special Agent , to his office.

About 2:10 pm, Special Agent was escorted to EOB-RM 98, by an individual from Office of Agency Liaison. did not show an Identification Credentials, but did provide his business card. (Copy attached)

requested BURKHARDT provide him with the Originals of certain documents, that Assistant United States Attorneys in Los Angeles and New Jersey wanted for use in prosecution of a case.

BURKHARDT advised that the established procedure for releasing documents was through White House Counsel's office and BURKHARDT would refer his request to White House Counsel. responded that there were two ways to obtain the documents. One would be through Subpoena, or the informal release of the documents.

BURKHARDT advised that established procedure would be followed and BURKHARDT would refer the request to White Counsel.

left the office at that point.

PREVIOUS REPORTS RECEIVED

SEPTEMBER 20, 1993

EVERYONE BEFORE 1988

RECEIVED FROM FBI ON SEPTEMBER 20, 1993

ADDIS, Scot Alan	7 Oct 1987	N
ANDREW, Timothy Duane	9 Jun 1988	N
BALDWIN, John S.	30 Nov 1983	
BARRY, Kevin Gerard	8 Mar 1988	N
BATTENFIELD, Patricia Ann	3 Mar 1988	N
BELLAMY, Ralph Carter	Listed in the Book Pg 1.	N
BLITGEN, William Frederick	11 Dec 1987	N
BOLINSKI, Charlene Constance	16 Aug 1988	N
BRINTNALL, Clarke McCurdy	24 Aug 1988	N
BROOME, Richard Earl	29 Jul 1988	N
BROWNE, Barbara Eicher	24 Nov 1986	N
BUNCH, Susan Grant	27 Oct 1986	N
CHAMBERS, Charles Wade	4 May 1987	N
CHARLES, Snadra Lea	6 Oct 1988	N
CHARNES, Lance William	3 Apr 1986	N
CHILDRESS, Richard Thomas	23 Sep 1987	N
CHRISTENSEN, Peter James	9 Nov 1987	N
CLARK, Bronya Hartness	26 Aug 1988	N
COBB, Tyrus William	14 Dec 1988	N
CONNOLLY, Catherine Ann	1 Dec 1983	N
COOPER, Mary Mercer	19 Jun 1987	N
COX, Mary Prather	16 May 1988	N
CRAIG, Anitalouis Joyce	22 Aug 1988	N
CROMPTON, Thomas Ramsey	1 Jun 1988	N
CROWELL, Linda Joyce	17 Nov 1987	N

PREVIOUS REPORTS RECEIVED SEPTEMBER 20, 1993

RTIN, Jeremy Francis	15 Mar 1988	N
CURTISS, Joanne Elizabeth	23 May 1987	N
DANIEL, Patty Annalee	2 Sep 1988	N
DAPENA, Ramon	17 Oct 1983	N
DEAL, Timothy Edward	11 Feb 1980	N
DESINA, Barbara Anne	6 Aug 1987	N
DORMINEY, Arthur Blair	22 Aug 1988	N
DIONNE, Rachelle Dionne	22 Aug 1988	N
EBBEN, Linda Jeanette	22 Aug 1988	N
FEATHERSTON, Christopher Thomas	6 Aug 1986	N
FORD, Entell	21 Jul 1988	N
FORTIER, Alison Brenner	17 Aug 1987	N
FRANK, Robin Jo	28 Sep 1988	N
FUNCHES, Christina Laurelle	23 Mar 1988	N
(9BS, Kathy Arlene	13 Mar 1985	N
GRANT, William John	8 Jun 1988	N
GRAY, Wendy Elaine	10 Apr 1987	N
HALL, Wilma Gray	28 Jan 1988	N
HUGHES, Jeffrey Lynn	5 Sep 1986	N
JACOBSEN, William Ludwig	12 Aug 1988	N
JEFFERS, Janet Marie	19 May 1981	N
KAY, Gilda Lee	18 Jun 1986	N
KERNAN, Barry Patrick	17 Jun 1986	N
LAPOSA, Joseph Emery	8 Feb 1988	N
LEABAS, Paul Joseph	20 May 1987	N

PREVIOUS REPORTS RECEIVED

SEPTEMBER 20, 1993

WIN, Daniel Bernard	13 Jul 1988	N
LEWIS, John Frederick	8 Sep 1987	N
LINHARD, Robert Emmet	19 Aug 1987	N
LOEW, Pamela Goadby	15 Sep 1986	N
MAHLEY, Donald Arthur	31 May 1984	N
MARSHALL, Betty Ann	14 Oct 1987	N
McINTYRE, Stuart Hull	10 Nov 1988	N
McNAMARA, Thomas Edmund	26 Mar 1987	N
MENAN, Nancy Vivian	8 Apr 1985	N
Menath, Jeffrey Mark	11 Feb 1988	N
MISKEL, James Francis	15 Apr 1987	N
MITCHELL, Carol Darlene	2 Oct 1987	N
MOORE, Gary Lee	29 Aug 1985	N
MOORE, Roderick Anthony	12 Dec 1988	N
MURISON, Mark Edwin	17 Sep 1986	N
MURPHY, Jacqueline Ann	29 Jul 1985	N
OGLE, Karen Lee	14 Dec 1988	N
OHARA, Robert Joseph	3 Mar 1988	N
ONATE, Andres David	29 Mar 1988	N
PAQUETTE, Carol Ann	13 Feb 1984	N
PAOLI, Flora Bramson	1 Nov 1985	N
PASTORINO, Robert Stephen	12 Sep 1988	N
PERITO, Robert Michael	9 Mar 1988	N
PETERSON, Alan Rederick	17 Jun 1987	N
PETERSON, Phillis Evelyn	24 Aug 1988	N
POGASH, Lori Lynn	4 Oct 1988	N

PREVIOUS REPORTS RECEIVED SEPTEMBER 20, 1993

PROKOP, Karen Susan	28 Jul 1987	N
RDON, James Francis	6 Oct 1987	N
QUINN, Mary Elizabeth	16 Dec 1988	N
RATHBUN, Jeffrey Tad	22 Jul 1987	N
REISS, Mithchell Bruce	21 Nov 1988	N
RITTER, Joan Jackson Yonaitis	24 Aug 1984	N
RITTER, Keith Brobst (No FBI Report submitted to this office)		
ROBINSON, George Douglas, Sr.	16 Nov 1988	N
RODMAN, Peter Warren	25 Apr 1986	N
ROOTS-WIGGINS, Lilly Renee	11 Jan 1988	N
RUNION, Virginia Ruth	21 Dec 1988	
SEDNEY, David Samuel	29 Aug 1988	
SNYDER, Daniel Lee	20 Apr 1988	N
SNIDER, Don Melville	7 Oct 1987	N
STEINER, Steven Edward	8 Feb 1984	N
TEVENS, Paul Schott	11 Mar 1987	N
SULSER, Jack Arnold	16 Nov 1988	N
SWEENY, Cynthia Elizabeth	14 Apr 1988	N
THORTON, Corinne	22 Dec 1988	N
TICE, Donald Clinton	29 Apr 1987	N
VALLEE, Jean Alice	14 Dec 1988	N
WIANT, Jon Allen	20 Jul 1988	N
WILLEY, Kevin James	15 Oct 1984	N
WOLFE, Julian Thomas	29 Jun 1988	N
ZINGLER, Charles Aubrey	17 Jul 1987	N

MEMORANDUM

TO: ARNOLD COLE, Special Agent-in-Charge, USSS, Technical Security Division

FROM: WILLIAM H. KENNEDY III
Associate Counsel to the President

DATE: August 26, 1993

SUBJECT: Commission Books

This memo is to inform you that the office of Counsel to the President will request Commission Books through the office of White House Personnel Security, under my signature.

Thank you for your very kind attention and assistance in this matter.

December 12, 1993

MEMORANDUM FOR CRAIG LIVINGSTONE
DIRECTOR OF WHITE HOUSE PERSONNEL SECURITY

FROM: ANTHONY B. MARCECA
SPECIAL AGENT

SUBJECT: [REDACTED]

On 11/24/93, this office received a memo from Charles C. Easley. with an attached SF-86, for [REDACTED]. This memo is in response to your request for a written evaluation from this agent.

PLEASE NOTE: This agent did not conduct an interview of [REDACTED].

1. Page 7, #24 (a); Have you experienced problems on or off the job because of mental condition? ANS: YES

"/91 TO Present -- Prior to allowing my emotions and stress get the best of me I used initiative in handling it as it relate to my present law suit based on discrimination. I do hope I be reimbursed for all I had to do to keep me and my son functional".

Her main concern is to recover money from the discrimination lawsuit.

2. #24 (b); Have you seen a health care professional? ANS: NO

On Attachment -- Page 7 #24; "I am currently under medical supervision. The medical attention extends from my primary care physician to, two psychotherapist. #24 (b), is therefore a False Statement."

[REDACTED] continues [REDACTED]. [REDACTED] interfering with my military leave"; "failure to promote me"; "[REDACTED]'s failure to provide me with an appraisal... caused traumatic emotional damage". "The damage relates to numerous physical, emotional, financial and psychological problems".

"However because of psychotherapy and medication its not a major problem other than extensive forgetfulness, anxiety attacks, stress".

[REDACTED] admits she is incapable of functioning at her place of employment because of extensive forgetfulness, anxiety attacks, stress. She somehow staged her problems to be caused by her supervisor. [REDACTED]

SUBJECT:

RECOMMENDATION:

In as much as [REDACTED] believes all her personal problems are caused by her supervisor, a review of her previous employment history should be conducted before she is interviewed.

If her work history does not reflect previous problems with supervisors, her claim that [REDACTED] is discriminating against her may have merit.

If [REDACTED] shows a pattern of work place problems, she would be best served if placed on leave and required to receive professional psychotherapy, returning to work when she can produce documentation of treatment and recovery.

PREVIOUS REPORTS RECEIVED

DECEMBER 3, 1993

HAYS, Richard Paul	4 Mar 1992	G
INSON, Celestine Coleman	26 Sep 1984	G
LOWERY, James Arthur	4 Jan 1993	G
RAWLS, Ondra Carl	2 Oct 1989	G
ROSENBERG, James Donald	3 May 1991	G
RUSSELL, Ronald Earl	27 Mar 1987	G
SAGER, David Russell	22 Jun 1987	G
SCOTT, Reginald Antonia	3 Jun 1992	G
SENN, Sheree Francine	4 Mar 1991	G
SEDLOCK, Michael Girard	22 Oct 1991	G
SHAFFER, Russell Alan	12 Dec 1991	G
SIMPKINS, Larry Bernard	13 Mar 1991	G
SMITH, James Marshall	7 Oct 1991	G
SPENCER, Dana William	20 Oct 1988	G
STREETS, Jennifer	13 Oct 1988	G
VIS, Matthew John	23 Jun 1992	G
TAYLOR, Chinita Denise	26 Sep 1991	G
TAYLOR, Dorie Catherine	11 Dec 1989	G
THOMAS, Arthur Stewart	23 Jun 1988	G
TILLERY, Anthony Quniton	18 Jul 1991	G
UNDERWOOD, Florence Delores	26 Jul 1988	G
WALSH, John Francis	25 Apr 1990	G
WILSON, Waymond Maurice	17 Jun 1988	G

PREVIOUS REPORTS RECEIVED DECEMBER 6, 1993

HAYS, Richard Paul	4 Mar 1992	G
INSON, Celestine Coleman	26 Sep 1984	G
LOWERY, James Arthur	4 Jan 1993	G
RAWLS, Ondra Carl	2 Oct 1989	G
ROSENBERG, James Donald	3 May 1991	G
RUSSELL, Ronald Earl	27 Mar 1987	G
SAGER, David Russell	22 Jun 1987	G
SCOTT, Reginald Antonia	3 Jun 1992	G
SENN, Sheree Francine	4 Mar 1991	G
SEDLOCK, Michael Girard	22 Oct 1991	G
SHAFFER, Russell Alan	12 Dec 1991	G
SIMPKINS, Larry Bernard	13 Mar 1991	G
SMITH, James Marshall	7 Oct 1991	G
SPENCER, Dana William	20 Oct 1988	G
STREETS, Jennifer	13 Oct 1988	G
(VIS, Matthew John	23 Jun 1992	G
TAYLOR, Chinita Denise	26 Sep 1991	G
TAYLOR, Dorie Catherine	11 Dec 1989	G
THOMAS, Arthur Stewart	23 Jun 1988	G
TILLERY, Anthony Quniton	18 Jul 1991	G
UNDERWOOD, Florence Delores	26 Jul 1988	G
WALSH, John Francis	25 Apr 1990	G
WILSON, Waymond Maurice	17 Jun 1988	G

PREVIOUS REPORTS RECEIVED DECEMBER 6, 1993

KENNEDY, Thomas	25 Jan 1991	G
VANDOWSKI, Timothy William	17 Jun 1993	G
PERKINS, Clyde Robert, Jr.	3 Aug 1992	G
STERWARD, Bruce Lillard	7 Jan 1992	G
SWANN, Wilbert Lee	12 Apr 1992	G
THOMAS, Gerald R.	2 APR 1990	G
VINES, Vernon McCain	13 Dec 1992	G
WALLACE, Michael Francis	16 Nov 1990	G
WALL, Viola Belt	6 Jan 1993	G
WALSH, Peter Henry	15 Nov 1991	G
WALTERS, Dianne	6 Aug 1991	G
WASHINGTON, Anthony Harrison	10 Mar 1992	G
WASHINGTON, Maurine Elizabeth	7 Nov 1991	G
WESTCAMP, Mark	27 Jan 1992	G
WHITE, Geneva	14 Sep 1989	G
LKINS, Sheila Marie	7 Dec 1988	G
WISE, Nettie Sanders	26 Jan 1993	G
YATES, Emma Elizabeth	11 Dec 1991	G
YOST, Ralph Robert	8 Nov 1991	G

PREVIOUS REPORTS RECEIVED DECEMBER 7, 1993

COLLICK, Adam Reed	10 Oct 1991	R
INSON, Celestine Coleman	11 Sep 1987	G

MEMORANDUM

TO: CRAIG LIVINGSTONE
 FROM: SA MARCECA
 SUBJECT: Status Report of SF-86/BI Activity

THIS IS A STATUS REPORT OF SF-86 ACTIVITY AS OF NOON TODAY:

SF-86

16 SF-86'S IN PROCESS OF WORKING FOR COMPLETION
 80 COMPLETED SF-86'S AWAITING TO BE SENT TO FBI
 30 SF-86 WILL BE SENT OUT TODAY
 (30 PER WEEK HAVE BEEN SENT TO FBI AS AGREED FOR LAST 5 WEEKS)

TAX CHECK REQUESTS

7 COMPLETED TAX CHECK REQUESTS AWAITING TO BE SENT TO IRS
 27 TAX CHECK REQUESTS WERE SENT TO IRS ON 12/17/93
 52 TAX CHECK REQUESTS WERE SENT TO IRS ON 12/10/93
 20 TAX CHECK REQUESTS WERE SENT TO IRS ON 12/03/93

RE INVESTIGATIONS OF WHITE HOUSE STAFF

GSA; AT&T; NSC; FBI; CIA; CREDIT UNION; COMPLETED FOR 1988 AND OLDER.
 RESIDENCE; WITHIN FOUR PERSONS, OF COMPLETION OF 1988 AND OLDER BI'S.
 (TEMPORARY CHRISTMAS HELP HAS CONTINUED TO BRING IN
 ADDITIONAL SF-86'S)

WHITE HOUSE STAFF; 50 REQUEST FOR BACKGROUNDS WERE SENT THIS WEEK AND
 THE PREVIOUS 3 WEEKS TO FBI.

50 REQUEST FOR BACKGROUNDS ARE AWAITING TO BE SENT
 NEXT MONDAY TO FBI.

(WE ARE AT THE "D" WITH THIS PROJECT).

NEXT WEEK; 1 JAN 94, RE INVESTIGATION BEGINS ON GSA; AT&T; NSC; CREDIT
 UNION; AND WHITE HOUSE STAFF, FOR BI'S WHICH EXPIRE IN 1989.

MEMORANDUM

January 14, 1994

TO: MARI ANDERSON

FROM: SA MARCECA

SUBJECT: LIST OF 86'S SENT TO FBI, ON THIS DATE

BIERBAUM, ROSINA MARIE
CONRELIUS, DARLENE ELAINE
DANKOWSKI, JOHN RAYMOND
FLETCHER, DEBRA LYNN
GOLDBERG, JASON SETH
HAHN, ANDREW HEE-DONG
LYTEL, DAVID ARNOLD
MARCICH, CHRISTOPHER PETER
RODMAN, RICA FAY
RODRIGUEZ, AVELINO LUIS
SHEA, THOMAS ANDREW
SOLIS, PATRICIA
STOVAL, LOUANN BARNO
STREET, STEPHANIE SUSAN
SULLIVAN, KATHRYN

BALOD, PATRIA GASPAR
BROOKS, JOHN HENRY
D'ALLESANDRO, ROSELIS FONFRIAS
JOHNSON, SELENA VIRGINIA
HANCHAR, DEBORAH RUTH
HILTY, JOANNE MARIE
KANE, SALLY MINCH
KATZ, ELAINE MARCIA
LENZNER, EMILY ARMISTEAD
LEVITT, LAWRENCE RUSSELL
NABORS, RONALD DOUGLAS
RICKARD, JOSEPH ANTHONY
ROTHSTEIN, STEVEN WINTER
VICTOR, LORI LOUISE
WOTEKI, CATHERINE ELLEN

CC: FILE

November 17, 1993

MEMORANDUM TO: Major General, Peter T. Berry, Commander of United States Army Criminal Investigation Command Division, 5611 Columbia Pike, Falls Church, VA 22041-5015

THROUGH: Mack McLarty, Assistant to the President and Chief of Staff

FROM: D. CRAIG LIVINGSTONE, Director, White House Personnel Security

RE: Letter of Appreciation

The purpose of this letter is to bring to you attention the very fine assistance Colonel George J. Kinoshita, a member of your staff, has rendered to the White House over these past three months. As you know, your Command has provided a Special Agent to assist the White House Personnel Security office for a six month detail. Colonel Kinoshita has very professionally and graciously assisted this office in facilitating the many particulars which are required to make the detail happen, and I very respectfully request that you express our appreciation for his assistance. It has been a pleasure to work with Colonel Kinoshita, and you should be very proud to have an officer of his high caliber under your command.

Thank you.

MEMORANDUM

: Mr. William M. Cobbs
 Building Manager, White House Field Office, General Services Administration

FROM: D. Craig Livingstone
 Director White House Security

SUBJECT: Background Investigations and Re-Investigations

Please review this list of current and former employees, and advise this office of their current status, with the White House. If they have left the White House, it would be very helpful if you would provide the date of seperation.

Of those subjects whose last background investigation was in 1988, please advise this office, and we will provide them with an SF-86 packet, for a Re-Investigation.

NAME	LAST BI	ACCESS
CRAWLEY, Georgia Lenora	21 Oct 1987	G
CURRY, Mary Magdlene	12 Apr 1984	G
DIXON, Lorenzo Bertram	28 Jun 1988	G
DOUGLAS, Louis (No FBI report submitted by FBI)		G
(MON, Eduardo	16 Oct 1987	G
ENGLISH, Harry (NMN)	18 Apr 1991	G
FERGUSON, Timothy Wayne	9 Mar 1987	G
FINLEY, Jack Leonard (No FBI Reports sent)		G
GARDNER, Sonja Helena	12 Apr 1988	G
GILLESPIE, Reves Lane	20 Jun 1988	G
GRAVES, Eula Dean	23 Jun 1988	G
GREEN, Eva Harmon	8 Dec 1988	G
HALL, Richard Lee	24 Mar 1988	G
HAMPTON, Edward Arnold	22 Aug 1988	G
HARRIS, Gregory Darnell	11 Dec 1986	G

SUBJECT: Background Investigations and Re-Investigations

RRIS, Rosco	20 Jul 1988	G
HEARD, Clayton Lemuel	2 Feb 1988	G
HILLIARD Loyce	22 Aug 1988	G
HOLMAN, Arthur Joey	5 Jan 1987	G
HONEMOND, Claria Elizabeth	26 Jul 1989	G
HOWE, Morris Emanuel	12 Aug 1991	G
IMES, William Leonard	NO BI After 4/12/93	G
JACKSON, Raymond Gilbert	18 Nov 1987	G
JACKSON, Darrell Cleveland	22 Dec 1988	G
JOHNSON, Selena Virginia	15 Jan 1988	G
JOHNSON, Airel	21 Aug 1986	G
JONES, William	2 Jul 1991	G
JONES, Harold Jackson	20 Jun 1988	G
JULIAN, Dominador Teodore	19 Jun 1991	G
('EL, Mildred Chandler	5 Oct 1987	G
KELLERMAN, Edward Francis	13 Aug 1987	G
KINSMAN, Linda Kay	27 Jan 1988	G
KILGO, Deloris Jackie	26 Sep 1988	G
KOGER, Vernell S.	24 Jun 1991	G
LANGLEY, Agnes Leoma	28 Sep 1987	G
LATTIMORE, Bessie Mae	17 Jan 1985	G
LAMAR, Patricia Ann	25 Apr 1988	G
LANDIS, Allan Leroy	24 Aug 1989	G
LEE, Dora	8 Nov 1991	G
LINES, William Fuller	13 Feb 1992	G
MILLER, Jason Deleon Wilton	5 May 1987	G
MITRIONE, Vito	24 Apr 1987	G

SUBJECT: Background Investigations and Re-Investigations

DRE, Leatha McGhee	3 Sep 1987	G
MORRIS, Joseph Breneman	5 Aug 1988	G
OWENS, Theodore	13 Oct 1987	G
OWENS, James William	9 Nov 1988	G
PATTEN, John Gerald	23 May 1986	G
PAYNE, Ben Douglas	14 Mar 1986	G
PITT, Margaret Wadsworth	15 Sep 1987	G

**THE WHITE HOUSE
WASHINGTON**

ON Jan. 14, 1994, 25 WHITE HOUSE TAX CHECK WAIVERS were sent to the IRS.

ALIOTO, MICHELA A.D.
BALOD, PATRIA G.
BIERBAUM, ROSINA M.
BROOKS, JOHN HENRY
D'ALESSANDRO, ROSELIS F.
DARWIN, KATHERINE L.
FINNEY, BETTY JEAN RAKES
GOLDBERG, JASON SETH
HANCHAR, DEBORAH RUTH
HILTY, JOANNE MARIE
JOHNSON, SELENA VIRGINIA
KANE, SALLY M.
KATZ, ELEINE MARCIA
LENZNER, EMILY A.
LEVITT, LAWRENCE RUSSELL
LYTEL, DAVID A.
NABORS, RONALD DOUGLAS
OWENS, JAMES WILLIAM
RODMAN, RICA
RICKARD, JOSEPH ANTHONY
ROTHSTEIN, STEVEN W.
STREET, STEPHANIE
VICTOR, LORI LOUISE
VELASQUEZ, JOE
WOTEKI, CATHERINE E.

CC: IRS
FILE
ANDERSON
KENNEDY

On Dec. 17, 93, 28 Tax Check Records were sent to the IRS.

ADAMS, ASHLEY KRISTEN
 ANDERSON, JOHN WARD
 BOWYER, ELIZABETH C.
 BREWER-CARLSEN, NANCY
 CASTELO, ANITA S.
 CHUPKA, MARC WILLIAM
 CLIBER, WILLIAM RICHARD
 COHEN, ELIZABETH ANN
 CONTEE, VINCENT THEODORE
 DIGIACOBBE, MARILYN
 EMERY, CHRISTOPHER BEAUREGARD
 GILLESPIE, REVES LANE
 GOODMAN, JOHN BENJAMIN
 HASAN, QAMAR
 HILLIARD, LOYCE
 JOHNSON, BRIAN
 JONES, RONALD
 KILGO, DELORIS JACKIE
 KONDON, ANGELA HORTON
 LAUGHLIN, KEITH E.
 MITRONE, VITO
 O'BRIEN, GLENN PAUL
 SANVICTORES, RICARDO J.
 SILVA, IVANIZ M.
 STEWART, DONALD LILLARD
 TANNER, THOMAS WILBURN
 WALLACE, NATALIE V.
 WINDERBAUM, ANNA SARAI

CC: William Kennedy

MEMORANDUM

TO: CRAIG LIVINGSTONE, Director of White House Security

FROM: SA MARCECA

SUBJECT: Analysis of Personnel Background

1. Subject should first fire the attorney who wrote the letter, for the following reasons:

- (a) The letter is combative and argumentative.
- (b) The letter does not offer explanations, but excuses.
- (c) ~~The letter is a real turnoff, and~~ makes the reader feel responsible for the subjects problems.

2. I suggest the following be included in a new letter::

- (a) Subject has paid his/her dues to society, for past mistakes.
- (b) Subject mentioned his/her history to his/her immediate superiors when he/she was first hired and told to forget about the past, because he/she was very young at the time.
- (c) The shoplifting incident occurred because the subject needed money to buy food for his/her family, and that was a means to accomplish that end. Stupid, but desperate.
- (d) The debt will be paid at crack of dawn.
- (e) Closing paragraph: I am very sorry for the mistakes of my past and will never forget how stupid I was when I did it, but I have learned from my mistakes, that is why I am the success that I am today, and I believe being fired is unfair and unreasonable.
- (f) If there is anyway that you can assist me in my current situation, thank you in advance for your very kind assistance.

December 21, 1993

SUBJECT: Letter of Recommendation

FROM: D. Craig Livingstone, Director of White House
Personnel Security

On December 6, 1993, Myongrae Lee was assigned to the White House Personnel Security, under my supervision. Ms Lee's assistance to the office, what may be brief, was very much appreciated by my self and my staff. Ms Lee's quiet and pleasant personality, dilligence and quick learning capabilities, eliminated a learning curve, in which she took over her asigned duties in an enthusiastic manner.

I therefore highly recommend Ms Lee, as a very capable and reliable person, and she would be and outstanding employee in any field she should wish to follow.

If further information is desired, please contact me at -----

File

MEMORANDUM

TO: Mr. Gary Walters, Chief Usher, The White House.
 FROM: D. Craig Livingstone, Director White House Security
 SUBJECT: Background Investigations and Re-Investigations

Please review this list of current and former employees, and advise this office of their current status, with the White House. If they have left the White House, it would be very helpful if you would provide the date of seperation.

Of those subjects whose last background investigation was in 1988, please advise this office, and we will provide them with an SF-86 packet, for a Re-Investigation.

NAME	LAST BI	ACCESS
ALLMAN, William Gerald	26 May 1988	R
BLAKE, Pearlana (NMN)	No date of BI	R
BOWEN, Janet Virginia	No date of BI	R
CARTER, Richard Ray	8 Aug 1988	R
(CARTER, William Alexander	2 Mar 1988	R
CASTELO, Anita Sanabria	No Date of BI	R
CLIBER, William Richard	7 Jan 1985	R
COLLICK, Lester Elwood	1 Jul 1988	R
CONTEE, Vincent Theodore	24 Oct 1988	R
DAVIS, Sallie Ann	20 May 1988	R
FANNING, John Edward	21 Mar 1988	R
FRIES, Clark Leon	No date of BI	R
GRAYSON, William John	8 Apr 1988	R
HAMILTON, William Nathaniel, Sr.	22 Jul 1988	R
HENRY, Samuel Allen	No date of BI	R
KEEL, Matthew (NMN)	16 Aug 1988	R
LITTLE, Linsey Ray	7 Jun 1988	R

MARTIN, Eric Roque	No date of BI	R
MCCULLOCH, Franette Ellen	12 Aug 1988	R
...NOR, Catalino Baylon	28 Jun 1988	R
MURPHY, Helen Evelyn	No date of BI	R
NAMYST, Joseph Alexander	No date of BI	R
OLIVE, Fred Kelly	31 Jan 1985	R
PEARSON, Melvin Russell	No date of BI	R
RAFFERT, Hans Ferdinand	No date of BI	R
RENDON, Paula Hernandez	No date of BI	R
RHODES, Samuel Delbert	25 Aug 1988	R
RUTA, Frank Anthony	20 Jun 1988	R
SAENZ, Alfredo	No date of BI	R
SAINT-Aubin, Smile	No date of BI	R
SANVICTORES, Ricardo Javier	No date of BI	R
SAVOY, Tony Oneil	8 Aug 1988	R
SCARFONE, John Joseph	24 Aug 1988	R
(.OUTEN, Rex Waye	No date of BI	R
SHUFORD, Willie Thomas	11 Apr 1988	R
SILVA, Ivaniz Moraes	No date of BI	R
SPANGLER, Judith Ann	27 May 1988	R
STEVENS, Stewart Calvin	4 Aug 1988	R
STOLZ, Estelle Marquerite	20 Jan 1988	R
SURETTE, Calvin Augustine	No date of BI	R
THOMPSON, Lawrence Michael	23 Aug 1988	R
WALLACE, Natalie Vernet	23 Aug 1988	R
WALTERS, Gary James	8 Jun 1988	R
WATSON, Edgar Loudin Jr.	25 Aug 1988	R
WILLIAMS, Gary Edward	5 Jul 1988	R

BROOKS, Sylvena Carter	No date of BI	R
OWN, Jerome Bernard	10 Oct 1985	R
CLIBER, William Richard	7 Jan 1985	R
COLLICK, Adam Reed	No date of BI	R
DARDEN, Don Edwin	4 Jan 1984	R
EMERY, Christopher Beauregard	24 Mar 1986	R
GALLAHAN, Robert Brandt	14 Jan 1988	R
HADDON, Sean Thomas	No date of BI	R
HANNIE, George Washington	9 Jan 1985	R
JENSEN, Joel David	No date of BI	R
JONES, Roland	No date of BI	R
KONDON, Angela Horton	7 Jan 1989	R
OLIVE, Fred Kelly	31 Jan 1985	R
ROCK, Brian Kevin	No date of BI	R
TEDERICK, Lydia Suzanne	No date of BI	R
WINDSOR, Edward Ambrose	No date of BI	R
WILLOUGHBY, Woodard Carrington	18 Sep 1987	R

MEMORANDUM

TO: CRAIG LIVINGSTONE, Director of White House Security

FROM: SA MARCECA

SUBJECT: Analysis of Personnel Background (NSC)

1. [REDACTED]; SSN: [REDACTED]; DOB: [REDACTED]; currently assigned to the National Security Council, EOB, Washington, DC. (Verified by [REDACTED], NSC (Ex. [REDACTED])).
2. The Nov 2, 1990, FBI, BI reports [REDACTED] was a summer associate, research assistant, visiting fellow in [REDACTED] (unknown date), (This was not verified).
3. The Nov 2, 1990, FBI, BI reports [REDACTED] was a employed by [REDACTED], as a foreign associate (Aug 84 to May 85), (This was not verified).
4. The Sep 18, 1990, FBI [REDACTED] states that [REDACTED] was self employed in his own business, known as [REDACTED], a [REDACTED] Corporation. [REDACTED] stated at the time of the interview, that [REDACTED] still existed, and he only made a few telephone calls and two or three meetings. (The exact nature of the business is not described in the report)
5. The Sep 18, 1990, FBI [REDACTED], page 3, states that Mr. [REDACTED] was working in [REDACTED] for a law firm his client hired. Obvious questions are: (a) the report does not explain how long he actually worked in [REDACTED]; (b) what was the nature of his business; (c) where he was physically located; (d) who was [REDACTED]; (e) what business was [REDACTED] conducting?
6. The Sep 18, 1990, FBI [REDACTED], page 4, describes contacts [REDACTED] was a Visiting Fellow at the [REDACTED] in [REDACTED] England and he met [REDACTED], a Russian citizen. The report explains [REDACTED] attempted to contact him and did reach him. [REDACTED] requested information for his wife. The reports states, around June 1991, Mr. [REDACTED] was questioned by the [REDACTED] Government, concerning [REDACTED] Mr. [REDACTED] stated subsequently, he was at a concert at the Royal Festival Hall in London, England, where Mr. [REDACTED] saw [REDACTED] but stated he avoided contact with him.
7. The Jan 8, 1991, FBI Report states that Mr. [REDACTED] was employed by [REDACTED], as a foreign associate, but was not verified.

SUMMARY: None of the questions raised in this analysis appear to be answered by the FBI Investigation.

MEMORANDUM

TO: CRAIG LIVINGSTONE, Director of White House Security

FROM: SA MARCECA

SUBJECT: Analysis of Personnel Background (NSC)

1. [REDACTED]; SSN: [REDACTED]; DOB: [REDACTED] currently assigned to the National Security Council, EOB, Washington, DC. (Verified by [REDACTED], NSC (Ex. [REDACTED])).
2. The Nov 2, 1990, FBI, BI reports Mr. [REDACTED] was a summer associate, research assistant, visiting fellow in London (unknown date), (This was not verified).
3. The Nov 2, 1990, FBI, BI reports Mr. [REDACTED] was employed by [REDACTED] Argentina, as a foreign associate (Aug 84 to May 85), (This was not verified).
4. The Sep 18, 1990, FBI [REDACTED] states that Mr. [REDACTED] was self employed in his own business, known as [REDACTED] a [REDACTED] Corporation. Mr. [REDACTED] stated at the time of the interview, that [REDACTED] still existed, and he only made a few telephone calls and two or three meetings. (The exact nature of the business is not described in the report)
5. The Sep 18, 1990, FBI [REDACTED], page 3, states that Mr. [REDACTED] was working in [REDACTED] for a law firm his client hired. Obvious questions are: (a) the report does not explain how long he actually worked in [REDACTED] (b) what was the nature of his business; (c) where he was physically located; (d) who was [REDACTED] (e) what business was [REDACTED] conducting?
6. The Sep 18, 1990, FBI [REDACTED], page 4, describes contacts Mr. [REDACTED] was a Visiting Fellow at the [REDACTED] in London, England and he met [REDACTED] a Russian citizen. The report explains [REDACTED] attempted to contact him and did reach him. [REDACTED] requested information for his wife. The reports states, around June [REDACTED], Mr. [REDACTED] was questioned by the [REDACTED] Government, concerning [REDACTED]. Mr. [REDACTED] stated subsequently, he was at a concert at the Royal Festival Hall in London, England, where Mr. [REDACTED] saw [REDACTED], but stated he avoided contact with him.
7. The Jan 8, 1991, FBI Report states that Mr. [REDACTED] was employed by [REDACTED] Argentina, as a foreign associate, but was not verified.

SUMMARY: None of the questions raised in this analysis appear to be answered by the FBI Investigation.

MEMORANDUM

January 7, 1994

TO: CRAIG LIVINGSTONE
FROM: SA MARCECA
SUBJECT: Request for legal opinion.

QUESTION: MUST AN EMPLOYEE BE A U.S. CITIZEN TO WORK AT THE RESIDENCE?

On December 20, 1993, this office received a letter from Gary J. Walters, Chief Usher, White House Residence (202) 456-2650, requesting a full field investigation on behalf of [REDACTED]; DOB: [REDACTED]; SSN: [REDACTED] ([REDACTED]).

Ms. [REDACTED] was born in San Salvador, El Salvador, and is not at this time a United States citizen. Ms. [REDACTED] included a statement in her SF-86, stating; "I have taken the examination to become a citizen of the United States. The exam took place in Baltimore, Maryland on July 8, 1993 at which time I passed. I am now waiting to be sworn in. Upon completion of the ceremony I will receive my certificate and number."

If Ms. [REDACTED] is approved for employment, she will be employed as a cook in the White House Kitchen.

Ms. [REDACTED] paperwork is completed and ready to be sent to the FBI.

PREVIOUS REPORTS RECEIVED NOVEMBER 17, 1993

HARLING, Sallie Ida	6 Feb 1992	G
RIS, Joseph Breneman	5 Aug 1988	G
Oliver, James William	6 Oct 1992	G
OWENS, Theodore	13 Oct 1987	G
PAYNE, Ben Douglas	14 Mar 1986	G
PECK, Rose Marie	5 Dec 1991	G
PRICE, Floyd Lee	10 Oct 1991	G
QUICHO, Domingo Amor	11 Dec 1991	G

JANUARY 7, 1993

MEMORANDUM FOR OFFICE USE ONLY

THIS LIST IS ACTIVE FOR THIS DATE ONLY

THIS LIST WILL CHANGE DAILY

FROM: Anthony B. Marceca, Special Agent and SF-86 Commander

SUBJECT: Daily SF-86 Working List

COMPLETED AND HOLDING FOR NAME CHECKS: CASTELO, ANITA SANABRIA (R)
 FINNEY, BETTY JEAN (R)
 FLETCHER, DEBRA LYNN (R)
 WARREN, JEROME ELIJAH (R)

NEED CORRECTION: GEBBIE, KRISTINE MOORE (S) 6 REQUESTS
 KRIM, LISA ELLEN (S) WH COUNSEL'S OFF O/UNTIL 1/10/94
 RUIZ, JULIA ESPERANZA (R) LEFT OFI-36/WALTERS 12/20/93
 SANVICTORES, RICARDO J (R) NEEDS TYPED 12/27/93

WORKING: BALLOD, PATRIA (M)
 BAYON, CAROLINA MARIA (I)
 BIERMAUM, ROSINA MARIE (S)
 BOSCH, JEAN LOUIS (R)
 DAVIDSON, CHARLES DARWIN (V)
 FREEMAN, FAITH PAULA (V)
 HANCHAR, DEBORAH RUTH (S)
 HILTY, JOANNE M. (S)
 JENKINS, CAROL DENISE (S)
 NABORS, RONALD DOUGLAS (S)
 RODRIQUES, AVELINO (S)
 ROTHSTEIN, STEVEN WINTER (S)
 SLIFKA, ROBERT SCOTT (I)
 VELASQUEZ, JOE (S)
 VICTOR, LOUR LOUISE (S)

PREPARED AT 1130 AM, 1/7/94

January 12, 1994

MEMORANDUM FOR CRAIG LIVINGSTONE
DIRECTOR OF WHITE HOUSE PERSONNEL SECURITY

FROM: ANTHONY B. MARCECA
SPECIAL AGENT

SUBJECT: [REDACTED]

On 12/27/93, this office received Mr. [REDACTED] SF-86 for processing.

Mr. [REDACTED] noted on page nine of the continuation space, the following information:

"When leaving the [REDACTED] in 1979, I failed to discuss my departure with [REDACTED] counsel (an optional procedure). I took a job with a non-profit organization that had received a grant from the [REDACTED] while I still worked at [REDACTED]."

The FBI reviewed my transition to confirm that I did not play a direct role in giving the grant to what was soon to become my new employer. THE FBI DETERMINED I HAD NO CONFLICT."

Mr. [REDACTED] comment raises the question of his having been a subject of an FBI; Conflict of Interest Investigation.

QUESTION: (a) Should Mr. [REDACTED] re-write his comments? (b) Should Mr. [REDACTED] SF-86 be sent to FBI as it stands?
(c) Should you seek advise of Counsel?

MEMORANDUM

TO: Patsy Thomasson, Special Assistant to the President
FROM: D. Craig Livingstone, White House Personnel Security
SUBJECT: Visitors tour of the West Wing

Members of the Orange County Sheriff's Office "Drug Use Is life Abuse Group" are visiting Washington, D.C. on November 11, 1993, and would like to tour the White House West Wing. This group is made up of former drug abusers from California, and this tour request comes through The Keefe Company, 444 N. SCapital Street, Washington, DC. (see attached request)

It is understood the groups will not exceed (6) six at one time and be accompanied by Special Agent Marceca, who is assigned to this office.

Thank you for your very kind attention to this matter.

MEMORANDUM

TO: CRAIG LIVINGSTONE, Director of White House Personnel Security
FROM: SA MARCECA
SUBJECT: Analysis of Personnel Background (NSC)

1. [REDACTED] SSN: [REDACTED]; DOB: [REDACTED]; currently assigned to the National Security Council, EOB, Washington, DC.
2. The Nov 2, 1990, FBI, BI reports Mr. [REDACTED] was a summer associate, research assistant, visiting fellow in [REDACTED] (unknown date), (This was not verified).
3. The Nov 2, 1990, FBI, BI reports Mr. [REDACTED] was employed by [REDACTED], [REDACTED] as a foreign associate (Aug 84 to May 85), (This was not verified).

PREVIOUS REPORTS RECEIVED JANUARY 05, 1994

ARENDS, JACQUELINE GRACE	1 MAY 1992	S
NE, PHILLIS MCCOMMONS	4 NOV 1987	S
CAMARANO, LORRAINE R.	19 SEP 1984	S
CARROLL, FLORA JENICE	24 SEP 1984	S
CICCONI, JAMES WILLIAM	23 MAR 1990	S

PREVIOUS REPORTS RECEIVED

JANUARY 12, 1994

CARR, EDWIN GEORGE	NOT ON FILE	S
ISTOFF, THERESA MARIE	23 JUN 1989	S
COSTER, MICHELLE LYNN	5 APR 1990	S
CURRIE, BETTY WILLIAMS	AUG 1993	S

THE WHITE HOUSE
WASHINGTON, DC

January 26, 1994

Mr. Al Nagy
Director of Telephone Services, White House Field Office

FROM: D. Craig Livingstone
Director White House Personnel Security

SUBJECT: Background Investigations and Re-Investigations

Please review this list of AT&T/C&P, current or former employees, and advise this office of their present status with the White House. If they are no longer employed at the White House, it would be very helpful if you would provide the date of separation. Those subjects whose last background investigation was in 1988/89, this office will provide them with an SF-86 packet, for completion.

NAME	LAST BI	ACCESS
ANDERSON, RICHARD ELBERT	10/18/89	A
COARI, STEPHEN MICHAEL	11/9/89	A
HEATH, MARVIN EDWAZRD	8/24/89	A
HENNESSY, LINDA GAYLE	12/1/89	A
HOLLAND, ROBERT ANTHONY	1/7/88	A
ES, ROBERT CLINTON	11/4/87	A
KILGOUR, WILLIAM JOURDAN	9/27/89	A
KITCHEN, ELLIS LYNN	8/9/89	A
STRICKER, ROBERT LEWIS	6/27/88	A
SOUDER, JOHN EDWIN, JR	11/8/89	A
WILL, STEPHEN JOSEPH	8/16/89	A
CARTER, TOMMY JACKSON	8/23/89	T
HEAD, JERRY MICHAEL	9/27/88	T
KUNYSZ, JOSEPH DAVID	7/7/89	T
RIPLEY, IZELL S.	8/2/88	T
RIDDLE, LINDA LOU	12/5/89	T
SEWALL, HOMER NELSON	6/28/88	T

MEMORANDUM

TO: CRAIG LIVINGSTONE, Director of White House Personnel Security

FROM: SA MARCECA

SUBJECT: Status Report of SF-86/BI Activity

2ND STATUS REPORT OF SF-86/IRS ACTIVITY FROM 12/20/93 TO 01/28/94.

SF-86

9 SF-86'S COMPLETED AND AWAITING NAME CHECK RETURN FROM FBI

9 SF-86'S IN-PROCESS TOWARDS COMPLETION

30 COMPLETED SF-86'S AWAITING TO BE SENT TO FBI 02/02/94

16 SF-86'S COMPLETED AND PLACED ON FILE FOR VOL/INTERNS
(30 PER WEEK HAVE BEEN SENT TO FBI AS AGREED FOR LAST 5 WEEKS)

214 SF-86'S HANDLED DURING THIS REPORTING PERIOD

TAX CHECK REQUESTS

36 COMPLETED TAX CHECK REQUESTS AWAITING TO BE SENT TO IRS

25 TAX CHECK REQUESTS WERE SENT TO IRS ON 01/14/94

21 TAX CHECK REQUESTS WERE SENT TO IRS ON 12/28/93

82 IRS TAX CHECKS HANDLED DURING THIS REPORTING PERIOD

RE INVESTIGATIONS OF WHITE HOUSE STAFF

GSA; AT&T/C&P; RESIDENCE; CREDIT UNION; UPDATING FOR 1989 IN PROCESS.
22 SF-86 PACKETS HAVE BEEN DISTRIBUTED FOR COMPLETION.

WHITE HOUSE STAFF UPDATE: 43 REQUEST FOR PREVIOUS BACKGROUNDS WERE SENT THIS WEEK.

50 EACH FOR THE PREVIOUS 5 WEEKS TO FBI.

50 REQUEST FOR BACKGROUNDS ARE AWAITING TO BE SENT NEXT MONDAY TO FBI.

250 REQUESTS FOR PREVIOUS REPORTS SENT DURING THIS REPORTING PERIOD.

(WE ARE AT THE "F" WITH THE STAFF UPDATE PROJECT).

MEMORANDUM

TO: CRAIG LIVINGSTONE, Director of White House Personnel Security

FROM: SA MARCECA

SUBJECT: LIST OF SF-86 TO BE SENT TO FBI 02/02/94

BEVERLY, PAMELA LOUISE
 BRANDON, ROBERT MARK
 DORSKIND, JAMES ALAN
 ENRIGHT, JANICE ANN
 ENRIGHT, SUSAN MARY
 GEBBIE, KRISTINE MOORE
 GORHAM, MARY DARLENE
 HOULIHAN, THOMAS MICHAEL
 JORDAN, JAMES FRANCIS
 MCKENZIE, OWEN CORLE
 MYERS, SAMUEL ALLEN
 PLUMMER, DAVID LEE
 SAMPAS, LAWRENCE JAMES
 STAHELI, LINDA ANNE
 STOCK, JUDITH ANN

BLACKWELL, HAROLD EUGENE
 CASTELO, ANITA SANABRIA
 D'ANJOU, MARC RAYMOND
 DARWIN, KATHERINE LEE
 FINNEY, BETTY JEAN
 HALL, RICHARD LEE
 HOLMAN, ARTHUR JOEY
 JENKINS, CAROL DENISE
 MURRAY, DALE LEON
 O'CONNOR, ERIN ARLENE
 OWENS, JAMES WILLIAM
 REED, ARTHUR JOHN JR.
 SAVOY, TONY O'NEIL
 SEPTOFF, MICHAEL THOMAS
 WHITAKER, DORATHY MARIE

CC: FILE
 ANDERSON
 WETZL

November 17, 1993

MEMORANDUM TO: Major General, Peter T. Berry, Commander of United States Army Criminal Investigation Command Division, 5611 Columbia Pike, Falls Church, VA 22041-5015

THROUGH: Mack McLarty, Assistant to the President and Chief of Staff

FROM: D. CRAIG LIVINGSTONE, Director, White House Personnel Security

RE: Letter of Appreciation

The purpose of this letter is to bring to your attention the very fine assistance Colonel George J. Kinoshita, a member of your staff, has rendered to the White House over these past three months. As you know, your Command has provided a Special Agent to assist the White House Personnel Security office for a six month detail. Colonel Kinoshita has very professionally and graciously assisted this office in facilitating the many particulars which are required to make the detail happen, and I very respectfully request that you express our appreciation for his assistance. It has been a pleasure to work with Colonel Kinoshita, and you should be very proud to have an officer of his high caliber under your command.

Thank you.

THE WHITE HOUSE
WASHINGTON

ON JAN 28, 1994, 35, WHITE HOUSE TAX CHECK WAIVERS were sent to IRS.

BEEBE, CORA PRIFOLD
BEVERLY, PAMELA L.
BLACKWELL, HAROLD EUGENE II.
BOSCH, JEAN LOUIS
BRANDON, ROBERT M.
BURKEEN, JEFFREY VAUGHN
D'ANJOU, MARC
DAVIS, SAMUEL
DORSKIND, JAMES ALAN
ENRIGHT, JANICE A.
ENRIGHT, SUSAN MARY
EDWARDS, ANNE M.
GEBBIE, KRISTINE M.
GORHAM, MARY DARLENE
GRADY, LOUISE CECELIA
HALL, RICHARD LEE
HOLMAN, ARTHUR JOEY
HOULIHAN, THOMAS MICHAEL
JENKINS, CAROL D.
JORDAN, JAMES F.
MCKENZIE, OWEN CORLE
MILLER, DANIELLE J.
MURRAY, DALE LEON
MYERS, SAMUEL A.
O'CONNOR, ERIN
PLUMMER, DAVID LEE
REED, ARTHUR L. JR.
RIORDAN, MATTHEW
SAMPAS, LAWRENCE JAMES
SAVOY, TONY O'NEIL
SEPTOFF, MICHAEL THOMAS
SIMPSON, MARCIA LYNNE
STAHELI, LINDA
STOCK, JUDITH ANN STEWART
VIOLA, BETH ANN
WESTPHAL, DANIELLE EMILIE
WHITAKER, DOROTHY MARIE

CC: IRS
LIVINGSTONE
KENNEDY
ANDERSON
FILE

402

THE WHITE HOUSE
WASHINGTON

ON JAN 31, 1994, 4, WHITE HOUSE TAX CHECK WAIVERS were sent to IRS.

ICKES, HAROLD

KURCHESKY, ILLA LORRAINE

MURPHY, EVELYN HELEN

WATKINS, W. DAVID

CC: IRS
LIVINGSTONE
KENNEDY
ANDERSON
FILE

THE WHITE HOUSE
WASHINGTON

PREVIOUS REPORTS RECEIVED	JANUARY 24, 1994	
COLLEY, CHRISTOPHER DAVID	29 MAY 1991	S
COOK, DAVID LAWRENCE	5 MAY 1992	S
COTTRELL, JULIA MARIE	5 DEC 1986	S
CURTIS, JANET FLORA	5 JAN 1991	S

THE WHITE HOUSE
WASHINGTON

PREVIOUS REPORTS RECEIVED	JANUARY 25, 1994	
CON, DOLORES LUMINA	NOT ON FILE	S
THOMAS, PATRICIA MARIE	25 JAN 1994	S

THE WHITE HOUSE
WASHINGTON

PREVIOUS REPORTS RECEIVED	JANUARY 26, 1994	
CICCONI, JAMES WILLIAM	23 AUG 1990	S
DECAMP, SARAH GWATHMEY	27 JUN 1989	S
DAVIS, MARK WILLIAM	24 AUG 1989	S
DAWSON, RHETT BREWER	14 FEB 1989	S
DAWSON, SUSAN BRADSHAW	5 JUL 1989	S
DIAZ, JULIA LYNNE	11 APR 1990	S
DEITZ, KRISTINE MARIE	NOT ON FILE	S
DOFFERMYRE, FAITH ELAINE	2 OCT 1985	S
DOYLE, MEGAN EILEEN	NOT ON FILE	S
DUNN, DEBRA ROMA	NOT ON FILE	S
FAULK, JULIE ELIZABETH	NOT ON FILE	S
LITTLE, STEPHEN CORDE	27 OCT 1986	A

THE WHITE HOUSE
WASHINGTON

PREVIOUS REPORTS RECEIVED	JANUARY 27, 1994	
MILDS, MARY ELIZABETH	23 NOV 1992	S
CLARKE, PAUL	7 SEP 1990	S
COLEMAN, HERBERT HOLT	8 MAY 1989	S
DALE, SHARON RUTH	7 JUN 1989	S
DALY, DOLORES MARGOT	4 SEP 1992	S
DANCE, STEPHANIE CLUNE	6 SEP 1991	S
DANDREA, JUSTINE	11 FEB 1986	S
DANIELS, BRENDA JOYCE	22 AUG 1988	S
DANIELS, HILLIARD JR.	7 JAN 1991	S
DAVIS, PATRICK JOSEPH	23 JUL 1990	S
DAVIS, PORTER MANVEL	20 JUN 1989	S
DAVIS, WILLIAM HAL	28 JUL 1988	S
DEE, KRIS MARIE	15 OCT 1991	S
DEMAREST, DAVID FRANKLIN	27 APR 1989	S
WINSTON, SUSAN RUSSELL	30 JUN 1989	S
DEWHIRST, MARY KATHRYN	7 OCT 1987	S
DILLER, DANIEL CLIFFORD	3 OCT 1988	S
DOGGETT, JUANITA MAE	15 JUL 1989	S
DOLAN, ANTHONY ROSSI	6 JUL 1987	S
DONATELLI, FRANK JOSEPH	23 JUN 1987	S
DONOVAN, CHARES ANTHONY	4 AUG 1987	S
DOUGLAS, KERI ANN	27 JUL 1993	S
DUGGAN, JOSEPH PATRICK	27 JAN 1992	S
DUGGAN, JUANITA DONAGHEY	24 FEB 1988	S
DUTCHER, CHARLES KERWIN	18 FEB 1987	S
FAUNCE, JILL SUZANNE	NOT ON FILE	S
FEARING, JENNIFER LYNN	NOT ON FILE	S
FEE, JOHN	NOT ON FILE	S

THE WHITE HOUSE
WASHINGTON

FENNELL, ANNE CLAUD	NOT ON FILE	S
RARA, VINCENT JASON	NOT ON FILE	S
FERTIG-DYKES, SUSAN PEATRICE	NOT ON FILE	S
FETROW, VALRY KEI	NOT ON FILE	S
FLAGLER, NICHOLAS RUSTER	NOT ON FILE	S
FLANNES, MARTIN ALVIN	NOT ON FILE	S
FLAUTT, FRANCES STEELE	NOT ON FILE	S
FLETCHER, LEE	NOT ON FILE	S

THE WHITE HOUSE
WASHINGTON

PREVIOUS REPORTS RECEIVED JANUARY 28, 1994

DANNERBECK, JOHN DAVID	29 JUL 1987	S	
DANZANSKY, STEPHEN IRA	27 SEP 1989	S	
DAVIDSON, DOUGLAS ALEXANDER	28 MAR 1990	S	
DEAN, DONALD RAY	21 MAR 1991	S	
DEHART, LINDA SUSAN	26 JUL 1991	S	
DILLON, DIANA ELIZABETH	24 AUG 1990	S	
DOHERTY, EILEEN BERNICE	20 JUN 1985	S	
DONAHUE, MARLA MURPHY	8 SEP 1992	S	
DONALDSON, HELEN COLLE	23 SEP 1991	S	RECEIVED AND SENT BACK, BI MIXUP
DORSEY, MATTHEW JOHN	21 MAR 1991	S	
DUGAN-PIGOTT, PATRICIA JOAN	1 NOV 1990	S	
DUNCAN, ROBERT MICHAEL	29 DEC 1989	S	
DUNN, ELIZABETH BROOKS	16 MAY 1988	S	
(VALL, DOUGLAS PATTON	12 OCT 1988	S	
DUVALL, JACQUELINE ANDREA	17 MAR 1988	S	
ELLIS, CATHLEEN MARIE	4 JUN 1990	S	
ELLIS, NANCT GAYLON	26 MAY 1986	S	
ELMETS, PAMELA KOEHLER	28 JAN 1994	S	
ENGLER, DANIEL JOSEPH	27 AUG 1987	S	
ENTHOVEN, MARCIA JEAN	1 SEP 1989	S	
ERKENBECK, JANE ISAACSON	2 OCT 1987	S	
ERLAND, CHRISTINA LUCILLE	14 JUL 1989	S	
ERVIN, CLARK KENT	29 AUG 1989	S	
ESTEP, GWEN LORRAINE	10 JUN 1992	S	
EVANS, MADALENE ELAINE WILKINS	16 SEP 1992	S	
EVANS, THOMAS COOPER	1 JUN 1989	S	

THE WHITE HOUSE
WASHINGTON

FACKELMAN-MINER, MARY ANNE	8 AUG 1988	S
FARISH, LAURA RICE	20 APR 1990	S
FARMER, CHAD DALEN	12 OCT 1988	S
FAULKNER, LINDA	21 OCT 1985	S
FENTON, CATHERINE SCHARFEN	21 JUL 1988	S

THE WHITE HOUSE
WASHINGTON

PREVIOUS REPORTS RECEIVED JANUARY 31, 1994

DONOVAN, TERESA ANN	14 SEP 1988	S
DOOLEY, PEGGY ANN	5 JUN 1989	S
DRACOS, DIANE ELIZABETH	18 JUL 1989	S
DROEGE, PHILIP CHARLES	28 SEP 1990	S
DUBERSTEIN, KENNETH MARC	17 APR 1987	S
ELKINS, LUCY MAE	20 APR 1990	S
EMERY, SARA CURRENCE	20 MAY 1988	S
ERBEN, AMY HEYDENREICH	12 DEC 1991	S
FARISH, WILLIAM STAMPS	17 APR 1991	S
FARMER, HENRY EDWARD	25 JAN 1985	S

THE WHITE HOUSE
WASHINGTON

ON Feb 8, 1994, 24, WHITE HOUSE TAX CHECK WAIVERS were sent to IRS.

ANSTINE, LISA MARIE
BALSAM-SCHWABER, CATHRINE HARR
DERRICOTTE, CLAUDIA J.
DOERING, NELLIE WATTERS
DOWNES, INGRIED MARLENE
FAIRBANKS, CARMELLA TUTTY
JOHNSON LEE R.
KNIGHT, RICHIE LAMONT
KUNYSZ, JOSEPH DAVID
LANDIS, ALLAN LEROY
LAWLER, GREGORY E.
MARSHALL, CAPRICIA PENANC
MCGUIRE, KARA MARIE
(PEEL, DREW GEORGE
SPANGLER, JUDITH ANN
STEWART, SEAN JEROME
SWANN, ADRIAN
THOMAS, ARTHUR STEWART
ROTH, KATHY
STRAUSS, DAVID
WAUDBY, STEPHEN JOE
WEAVER, BESSIE M. JONES
WILL, STEPHEN J.
WYCKOFF, DANA A.

CC: IRS
LIVINGSTONE
KENNEDY
ANDERSON
FILE

MEMORANDUM

TO: CRAIG LIVINGSTONE, Director of White House Personnel
Security

FROM: SA MARCECA

SUBJECT: LIST OF SF-86 TO BE SENT TO FBI 02/09/94

BURKEEN, JEFFREY VAUGHN
DOWNES, INGRID MARLENE
FAIRBANKS, CARMELLA TUTTY
JOHNSON, LEE RICHARD
KNIGHT, RICKIE LAMONT
KUNYSZ, JOSEPH DAVID
LANDIS, ALLAN LEROY
MARSHALL, CAPRICIA PENAVIC
PEEL, DREW GEORGE
ROTH, KATHRYN GAIE
SIMPSON, MARCIA LYNNE
SWANN, ANDRIAN ALONZO
THOMAS, ARTHUR STEWART JR.
WARREN, JEROME ELIJAH
WILL, STEPHEN JOSEPH

ANSTINE, LISA MARIE
BALSAM-SCHWABER, CATHERINE HARRIETTE
DERRICOTTE, CLAUDIA JEFFERSON
DOERING, NELLIE WATTERS
KRUCHESKY, ILLA LORRAINE
LAWLER, GREGORY EDWARD
MCGUIRE, KARA MARIE
MURPHY, HELEN EVELYN
RIORDAN, MATTHEW MCDONNELL
SPANGLER, JUDITH ANN
SANVICTORES, RICARDO JAVIER
STRAUSS, DAVID MICHAEL
VELASQUEZ, JOE (NMN)
WEAVER, BESSIE MAE
WYCKOFF, DANA ALISON

CC: FILE
ANDERSON
WETZL

THE WHITE HOUSE
WASHINGTON

PREVIOUS REPORTS RECEIVED FEBRUARY 1, 1994

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FEHRER, SARAH SHILL	9 JAN 1991	S
FINNEY, KAREN E.	FEB 1993	S

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FERGUSON, ANDREW	14 APR 1992	S
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FINGER, AILEEN BETH	1 NOV 1991	S
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DEITZ, FRANCIS JOSEPH	3 SEP 1986	S
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NEIL, MARY ELISE	22 AUG 1988	S

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FLETCHER, MARILYN ANNE	NOT ON FILE	S
FLETCHER, LYNNE MARGARET	NOT ON FILE	S
FLICK, HEATHER GWEN,	NOT ON FILE	S
FLIPPEN, JOHN ALLISON	NOT ON FILE	S
FOGEL, DAVID LOUIS	NOT ON FILE	S
FOLEY, JOHN PATRICK	NOT ON FILE	S
FONG, JESSIE TSUI-SHIH	NOT ON FILE	S
FOONBERG, STEVEN MARK	NOT ON FILE	S
GARIKES, MARGARET DANAHER	NOT ON FILE	S
HARDY, LESTER F.	NOT ON FILE	S

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PREVIOUS REPORTS RECEIVED FEBRUARY 10, 1994

DOWNES, INGRID MARLENE	NOT ON FILE	G
FENDLER, GARY ELLIS	11 MAY 1989	S
FOSTER, PAUL THOMAS	18 AUG 1986	S
FRANTZ, MARK ALEXANDER	22 APR 1991	S
FREEMAN, JUDITH BJORKMAN	3 OCT 1991	S
FRITZ, MARY ELIZA	8 AUG 1989	S
FULTON, YSELLA AYN	8 FEB 1988	S
FURCHTGOTT-RO DIANA ELIZABETH	19 FEB 1992	S
GABLE, ELIZABETH BRINTON	28 JUN 1989	S
GALEN, CHRISTOPHE WILLIAM	29 JUN 1988	S
GALETTA, JOHN DAVID	22 MAY 1989	S
GANNON, KELLEY LYNN	4 DEC 1989	S
GARDNER, JOHN STEPHEN	31 MAR 1989	S
GARRETT, TRACY DAVIS	2 MAY 1990	S
GARRVENS, TYLER	12 FEB 1992	S
GAY, CAROLYN SUE	5 OCT 1987	S
GEAR, KRISTEN MOREAU	12 OCT 1989	S
GEISSINGER, SPENCER EVAN	27 JUL 1987	S
GEORGE, JOEY RUSSE	26 MAR 1990	S
GERAGHTY, LEAH MERCER	26 MAR 1990	S
GERSHOWITZ, GARY JAY	25 FEB 1992	S
GIBSON, JOAN GHERING	4 MAY 1990	S
GIBSON, STEVAN WILLIAM	1 MAY 1987	S
GIORNO, KAREN ROSALIE	23 AUG 1990	S
GITLIN, DAVID LAWRENCE	12 DEC 1991	S
GLASSMAN, JON DAVID	5 OCT 1989	S
GOBER, ELLEN JANYCE	18 FEB 1992	S

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ar Bill:

I want to thank you for the allowing me to be detailed to the White House. This has been a rare opportunity and a very great honor to have served in the Clinton Administration. This detail was a privilege few people in my profession will ever enjoy, and for these and many other reasons, I am very grateful to you. I believe I prepared all my life for this opportunity, but I never expected to realize the dream. If there is anyway at any time in the future that I can assist you or do anything for you, or this administration, I would be very honored and delighted to be asked.

Again, thank you for your confidence in me.

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PAGE 1.

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Mr. SCHIFF. I would like you to look at a document marked 000134. That number was made by your attorney, I am told. It appears to be a copy of a memorandum to Craig Livingstone from yourself entitled, "Analysis of Personnel Background, (NSC)," so apparently it is a personnel background of someone who worked in the National Security Council.

Do you have the document?

Mr. MARCECA. Yes, sir, I do.

Mr. SCHIFF. Have I correctly identified what that document is?

Mr. MARCECA. It looks like a memo to Mr. Livingstone, yes, sir.

Mr. SCHIFF. I am informed that we got a copy of this memo from your personal attorney and it came from your personal records, not from the White House; is that correct?

Mr. MARCECA. Sir, this is a printout from my computer disk.

Mr. SCHIFF. From your personal computer disk?

Mr. MARCECA. No, sir. It was a CID computer. The disks were disks that I used both at CID and at the White House. It was my notes.

Mr. SCHIFF. Your notes that you took home with you; right? This information didn't come from the White House; is that correct?

Mr. MARCECA. No, sir. These are notes from a computer disk that I used. I did not store anything on a hard drive.

Mr. SCHIFF. In other words, you took home with you a computer disk with information on it that you gained from the White House; is that right?

Mr. MARCECA. Yes, sir.

Mr. SCHIFF. How much information that you got from working at the White House did you take home with you? How many such documents like number 134, which is an analysis of a personal background file, how many more of these do you have at home?

Mr. MARCECA. Sir, we made these available to the committee. There were two disks. We made everything available to you, sir.

Mr. SCHIFF. So you are saying now we have every item of information that you took with you from the White House?

Mr. MARCECA. Everything that was on the computer disk that I used, both.

Mr. SCHIFF. Is there any information that you took from the White House with you when you left that we don't have?

Mr. MARCECA. Everything was turned over.

Mr. SCHIFF. Mr. Livingstone, you said in your testimony several times that the problem was Mr. Marceca used the wrong Secret Service list. How do you know he used a Secret Service list?

Mr. LIVINGSTONE. I believe that, as I recall, we had a master Secret Service list in the vault which we all used to determine whether or not people had access to the White House.

Mr. SCHIFF. Did you ever actually see the list upon which Mr. Marceca ordered these files that is the subject of this hearing?

Mr. LIVINGSTONE. I don't have a specific recollection of that.

Mr. SCHIFF. So how can you be so sure in your testimony that it was a Secret Service list?

Mr. LIVINGSTONE. That was the standard practice, sir. When we came to the White House we were dependent upon the Secret Service to inform us who had continued access.

Mr. SCHIFF. What if standard practice hadn't been followed? What if another list had been used?

Mr. LIVINGSTONE. You are asking me to guess.

Mr. SCHIFF. But you are stating so surely that a Secret Service list was used. Aren't you guessing when you say it was a Secret Service list?

Mr. LIVINGSTONE. No, sir. That was our standard practice.

Mr. SCHIFF. What is your experience and background in doing sensitive security work by which apparently you were assigned to this very important position at the White House?

Mr. CLINGER. The gentleman may answer the question.

Mr. LIVINGSTONE. Sir, when I was hired into the job it was explained to me by several people, including the people that I worked with in the office from the previous administration, that my function was largely an administrative function, that the Secret Service were the primary determiners of whether or not a person is assessed as a security threat either to the complex or to the principals, that counsel would review the documents prior to my receiving them to determine suitability.

What I was specifically to do is to coordinate the paperwork. If counsel had an issue that was raised in a background investigation or a tax check waiver, I would contact the individual. For example, it is noted that you haven't filed for your 1993 taxes, why is that, and we would get an answer.

If something in the background, without being specific, a person worked in the House and they moved from DC to Virginia and a neighbor had complained that they didn't have the proper license plates and that was in their background report, I would call them and say are you aware of this, could you please straighten it out and get a copy of their new information and then put it in?

The reason I am explaining this to you, sir, in that fashion, is you asked me specifically about my experience. As I entered the job, it was largely administrative and not security in nature.

Mr. SCHIFF. My time has expired. Thank you.

Mr. CLINGER. The Chair now recognizes the gentleman from South Carolina, Mr. Spratt, for 5 minutes.

Mr. SPRATT. Thank you, Mr. Chairman.

Mr. Marceca, Mr. Livingstone, Ms. Wetzl, has the committee staff or anyone else shown you and asked you to identify a document entitled "White House Personnel Security Files" prior to January 20, 1993? This is a document which is referred to in quotes and caps in paragraph seven of the responses attached to the letter from the Department of Treasury, dated June 19, 1996. Have you seen this list?

Ms. WETZL. The copy of the Secret Service memo I have says the list is attached. However, it isn't with what I have.

Mr. SPRATT. Has anyone connected with the staff shown it to you?

Ms. WETZL. Today, no.

Mr. SPRATT. Mr. Marceca?

Mr. MARCECA. No, sir.

Mr. SPRATT. So you don't know whether the document represents something you worked with or not.

Let me take you back through your testimony and start with Ms. Wetzl. I understand from your statement that you took over Project Update from Mr. Marceca and from Nancy Gemmell, who I understand your testimony was also working on update?

Ms. WETZL. Yes. Some time after Tony left I took it over.

Mr. SPRATT. You refer to Nancy's materials in the vault. You say that these consisted of Secret Service lists and hundreds of FBI forms with Mr. Nussbaum's name printed on them, Xeroxed on them. You said it was a long list, hundreds of names in alphabetical order, that you could identify it as a Secret Service document because it was on distinctive green and white paper, and that on looking upon it you recognized immediately names from prior administrations.

You also found, and I quote, that Nancy had attempted to complete FBI requests based upon this particular computer printout.

Ms. WETZL. The names corresponded with the sheets that had been typed out, yes.

Mr. SPRATT. So for these reasons do you infer, therefore, that Nancy Gemmell was the person who requested this data base which you were working with in doing Project Update?

Ms. WETZL. I did not work with her list. I threw it out. But that was the original list she requested from the Secret Service, yes.

Mr. SPRATT. Do you know that by any other means and inference? Did you know that because she told you this in a briefing that you held? Is there any other means by which you could link this to her request?

Ms. WETZL. When she went through jobs that needed to be done, left to do in the office before she retired, she went through the details of the Update Project and showed us where her materials were, and that included that list.

Mr. SPRATT. But it is your best understanding that it was her list that was in the vault which everyone was working with in doing Project Update?

Ms. WETZL. I don't know who worked with it. I know that it was her list that was in the vault and that it was from the Secret Service.

Mr. SPRATT. Mr. Marceca, did you request a list from the Secret Service yourself?

Mr. MARCECA. No, sir. I used that list.

Mr. SPRATT. The Secret Service says that they have two data bases, EPASS and WAVES. EPASS are for the permanent hard cardholders. WAVES is for Workers and Visitors Entry System, which is a much more generalized system. They are kept separately, not comingled, but when a list is requested, as I understand this response, EPASS is transmitted electronically and downloaded with the WAVES data base and those two data bases are then printed out and submitted to your office. Do you understand the difference between EPASS and WAVES? Did you know exactly what the computer printout submitted to you consisted of, Ms. Wetzl and Mr. Marceca?

Mr. MARCECA. I did not know.

Mr. SPRATT. You didn't know the difference?

Mr. MARCECA. No, sir.

Ms. WETZL. Through the years of my working there, I came to understand that I could give different parameters of information that I needed to the Secret Service. From those parameters they would produce a list in a format that I could work with. It was explained to me by the Secret Service at some point that there were two data bases, and so I knew—I wasn't sure which list came from which data base, but I was aware that there were two systems.

Mr. SPRATT. You say in your testimony that it was common knowledge, you knew it, others knew it, that there were lots of inaccuracies and out-of-date information and names on the Secret Service list?

Ms. WETZL. That is correct.

Mr. SPRATT. Can you point to any instances where you called to Secret Service attention that there were inaccuracies and out-of-date names included?

Ms. WETZL. For the most part I didn't call them. I wrote memos and kept copies of those memos that I sent to Secret Service saying delete these people, they are no longer here or you have this person under the wrong agency.

Mr. SPRATT. Have those memos been submitted for the record?

Ms. WETZL. I haven't seen them.

Mr. SPRATT. Mr. Chairman, is the list referred to here in paragraph seven of the responses from Treasury the list entitled, "White House Personnel Security Files," is that a list that this committee staff itself prepared or that was prepared by the press and submitted to—do we know what that list is?

Mr. Burton said that they deny that this is a list prepared by the Secret Service, but do we know what the list is that they are referring to?

Mr. BURTON. Would the gentleman yield? She is correct. The list referred to in section 7 is the list that she typed up.

Mr. SPRATT. She?

Mr. BURTON. Ms. Wetzl typed up. If you read section 9 it explains that it was not possible for them to come up with an outdated list and they have double-checked the files two or three times and the Secret Service says they cannot come up with an outdated list, which is what this gentleman said they used.

Ms. WETZL. I believe what it says is, "to date have discovered no flaws." It doesn't say that it is not possible.

Mr. SPRATT. Did you prepare this list? Have you seen it to determine whether or not you indeed prepared this list that is referred to here?

Ms. WETZL. From the description in that paragraph, I believe it is a list that I typed up. I have not seen a copy of it in front of me, no.

Mr. SPRATT. Was this your best take on what were the current passholders? Were you trying to correct the list when you prepared it?

Ms. WETZL. No. That list was prepared when I had gone through all the files that Tony had collected, and to my satisfaction had pulled out every file that I needed. This was what I typed up of all the files I did not need as they were no longer at the White House. This was my archive list that I sent to Records Management and kept a copy in my office.

Mr. CLINGER. The gentleman's time has expired. I am now pleased to recognize the gentlelady from Florida, Ms. Ros-Lehtinen, for 5 minutes.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman. As you know, we met here just a week ago to begin our inquiry into the matter by which the White House obtained confidential files from the FBI, and more importantly, the use to which the files were put. The more that we have learned, the greater the concern is from some of the individuals in our committee. For after all, privacy is something that all of us hold very dear to our hearts.

Twenty-five years ago our right to privacy was put into law, and this law requires each of us to give our consent when offices or agencies of the Government are requesting information and the Privacy Act protects our private lives from prying. I believe that the sensibilities of most Americans have been offended by the actions of the White House operatives, and most of us take for granted those protections afforded to us by the law.

We all may have events happening in our lives that we would prefer not to have them become public. For most of us this would not be a matter of whether it is a legal or illegal action or failure on our part, but a desire to keep certain things to ourselves. And to learn that individuals working in positions in the White House were able to use and abuse this power with impunity is not only offensive, but rightfully seen as an assault on our personal privacy.

Mr. Livingstone, have you ever had a full field investigation performed on yourself?

Mr. LIVINGSTONE. Yes, ma'am.

Ms. ROS-LEHTINEN. In preparation for the investigation, were you required to provide some basic data to the investigators, list of addresses, prior employment, any character references?

Mr. LIVINGSTONE. Yes, ma'am.

Ms. ROS-LEHTINEN. Do you remember signing a form giving authorization for the collection of this information?

Mr. LIVINGSTONE. I don't remember signing it.

Ms. ROS-LEHTINEN. But would you say that that would probably be some sort of standard procedure, is that the phrase that you have been using?

Mr. LIVINGSTONE. That would be the standard procedure, but I don't remember signing it.

Ms. ROS-LEHTINEN. How would you feel if information were made public without your authorization, or even if it was not publicized, was left open for everyone to see to make copies of, such as what was going on in the White House where it was accessible by all kinds of individuals. We have heard testimony about college interns and files next to copying machines, et cetera.

I will go on to the next question. I don't think it is a tough one.

Mr. LIVINGSTONE. I was thinking in terms of information that has been put out in terms of myself so I can speak to that. If, in fact, that is why we did it, and it isn't, I would think that would be egregious. But this information was not misused.

Ms. ROS-LEHTINEN. Did you ever tell anyone that you would read their background files or knew information about them in a manner that might be interpreted by that individual that you could use this information against them at some time in the future?

Mr. LIVINGSTONE. As a course of my job, it was common for me on a daily basis to talk with individuals about information in their backgrounds.

Ms. ROS-LEHTINEN. Do you think some might have gotten the impression that some information might or could be used against them?

Mr. LIVINGSTONE. I would hope not.

Ms. ROS-LEHTINEN. Did you ever request written authorization from these individuals prior to making the request to the FBI, and if so, did you keep a copy of those who had signed the form?

Mr. LIVINGSTONE. I am sorry, ma'am. I couldn't hear you.

Ms. ROS-LEHTINEN. Did you ever request written authorization from those individuals prior to making the request to the FBI? And if so, did you keep a record of those who had signed the form?

Mr. LIVINGSTONE. Are you asking me for the Standard Form 86, which is what personnel staff fill out which is sent to the FBI?

Ms. ROS-LEHTINEN. Correct.

Mr. LIVINGSTONE. It was standard procedure of Mr. Nussbaum and succeeding counsels all required a waiver form to be signed by the individual authorizing the White House to send that information to the FBI.

Ms. ROS-LEHTINEN. Did you tell these individuals that you would seek their FBI files prior to finalizing their clearances?

Mr. LIVINGSTONE. I am sure that was understood, ma'am.

Ms. ROS-LEHTINEN. But you don't consider that what you say, standard procedure?

Mr. LIVINGSTONE. No ma'am. I would like to answer that question specifically. It states in the waiver that you are authorizing White House Counsel or its agent, and, again, I am just speaking from memory here, but to send the attached forms for review for a background investigation to be completed on you by the Federal Bureau of Investigation and that its contents will be returned to counsel.

Ms. ROS-LEHTINEN. As you know, there have been some reports in the media, in print and in other media that you had, in fact, shared some information with some individuals about their background or something that was in their files.

Were you ever rebuked or talked to by the administration referring to your knowledge of people's background. Last week, for example, it was on CNN that in fact you had discussed the files with some individuals, and I am wondering what happened in the administration, if anyone knew that you had used those files?

Mr. LIVINGSTONE. Well, I think it is important to speak in the context of my 3½ years at the White House and the thousands if not tens of thousands of people that I worked with. As I have stated earlier, and as you well know, when I started on the job, a lot of it was on-the-job training, and early on it was pointed out to me by Miss Evelyn Leiberhan that in fact some staffer had suggested to her that I had in some way offended someone by mentioning something to them—

Ms. ROS-LEHTINEN. Do you think that could be the individual referred to in the CNN spot when they said someone in the administration had talked to you about your use of the files?

Mr. LIVINGSTONE. I am trying to answer your question with knowledge as best I have. Yes, I did have a staffer discuss with me that a separate staffer was upset with the way that I had talked to her about some information in her background.

Ms. ROS-LEHTINEN. Would you say that you were rebuked by someone in the administration. When you say talked to, did this individual talk to you about it to say that you had done something wrong?

Mr. LIVINGSTONE. My specific recollection is that we talked about it in the hallway.

Mr. CLINGER. The gentlelady's time is expired. I would now recognize the gentlelady from New York, Ms. Slaughter.

Ms. SLAUGHTER. Thank you. Ms. Wetzl, the list that you were just given, that we all are seeing for the first time, am I correct that is a list that you were trying to cull out?

Ms. WETZL. Yes.

Ms. SLAUGHTER. A list that you created yourself?

Ms. WETZL. These are files I archived with Records Management.

Ms. SLAUGHTER. It had nothing to do with a Secret Service list except you were taking these names off.

Ms. WETZL. Right.

Ms. SLAUGHTER. I think that is important for us to get on the record since the indication was the Secret Service had done this for you.

Is it true that you were trying to recreate files because the Bush administration had taken them all and you were responsible for trying to put some of this together?

Ms. WETZL. Yes.

Ms. SLAUGHTER. Is that common? Do all administrations go off and take all those lists with them?

Ms. WETZL. That is what I was told.

Ms. SLAUGHTER. That is a silly thing, isn't it? I am curious as to why you stopped at the letter G?

Ms. WETZL. These are the files that I had come across after Tony left that I was led to believe that they were Tony's, we called them Tony's files, he had ordered and he had only gotten through G. Once I pulled all the files I needed out of that group I archived the rest.

Ms. SLAUGHTER. Nobody ever went beyond the letter G? That is the end of the list?

Ms. WETZL. That is the end of this list, yes.

Ms. SLAUGHTER. Tell me who had access to this vault? Everybody in the White House just walked in and walked out?

Ms. WETZL. No.

Ms. SLAUGHTER. Did you keep a log of people who wanted to take these files out and look at them? Did they have to get permission or do anything at all to see these files?

Ms. WETZL. The files were not taken out of the office without signing a log, yes.

Ms. SLAUGHTER. Is that log available? Has that been handed over? Did anyone sign them out?

Ms. WETZL. I am sorry; can anybody—

Ms. SLAUGHTER. No. Did anybody? I understand that after those things were put in the vault, they were almost never seen again.

Ms. WETZL. These files, to my knowledge, were never taken out of the office. Other working files, occasionally White House Counsel would need them. When they were taken to White House Counsel, they would be signed out in a log, but not these files.

Ms. SLAUGHTER. So it is not accurate to say that these files were available to anybody wanting to come in there and look at those records, is that accurate?

Ms. WETZL. That is accurate.

Ms. SLAUGHTER. I wanted to talk about the fact that they did stop at the letter G. I find that the most intriguing thing in the world I have every known. Did you only want information on people whose names went up to G? That is a strange thing. It doesn't sound to me like a nefarious plot unless you think everybody that is bad is under the letter G, and that is OK with me because my name starts with the letter S. For the life of me I can't understand that part of it I don't see how somebody could make a nefarious, underhanded thing out of this. Can you explain that?

Ms. WETZL. It was my understanding that that is how far Tony got and that was it.

Ms. SLAUGHTER. Did Tony quit because he thought there was no point in this?

Ms. WETZL. No. He didn't quit. His detail ended with our office and that was it.

Ms. SLAUGHTER. Let me recap. You have no files left and I can remember specifically there was a terrible flap about people working in the White House every day who didn't have a proper clearance, and there was a great push on and who was going into the White House without a clearance.

Somebody decided they better get these files, because you didn't have any, and try to recreate what the FBI had said about all these people, and yet you stopped at the letter G and put them in a vault, where to your knowledge nobody took them out?

Ms. WETZL. Correct.

Ms. SLAUGHTER. That seems pretty simple to me. I am just a country girl from New York—OK, Kentucky—but for the life of me I can't understand why this turns out to be such an outrageous thing, particularly when we had White Houses in the past that had Ollie North in the basement.

Mr. Nussbaum, let me say one thing before I ask you this question. As a fellow New Yorker, I know you to be one of the finest legal minds and one of the finest people in the United States, and it embarrasses me to see you here today. But former counsels to the White House said last week that it was commonplace for people sending out recommendations for information without the counsel ever knowing about it. Do you know that to be true?

Mr. NUSSBAUM. Yes. I read the hearings last week, too, and that is the truth.

Ms. SLAUGHTER. What possible reason could this committee have, to say that suddenly you did something that was totally out of order, when four previous counsels had said that is the way it has always been done? Have you pondered why you are in this spot?

Mr. NUSSBAUM. When I went into the White House I met with Mr. Gray and Mr. Schmitz. Vince Foster and I met with the two of them. They briefed us on the basic procedures, they were quite

cooperative in trying to help us get a handle on these kinds of things, and we put Mr. Kennedy in to work with us.

We tried to basically follow the procedures that were followed in the prior administration. There was a great crush of work because it was a new administration, a Democrat administration replacing a Republican administration, but basically we tried to follow the same procedures and I think by and large we did.

On the other hand, this was an egregious error that was made on the lower levels of the White House and we are responsible for that error and I am apologetic about it. I feel terrible about it, and that is the reason I guess I am here. I guess I deserve to be here.

Ms. SLAUGHTER. Do you agree these procedures ought to be changed? Why should these FBI files be in a Presidential library somewhere? I think a lot more people have access to that than out of a vault in the White House, wouldn't they?

Mr. NUSSBAUM. That is a good point.

Ms. SLAUGHTER. We have never worried about Presidents walking off and taking these FBI files with them. That has never been brought up before, I take it.

Mr. NUSSBAUM. Not to my knowledge.

Ms. SLAUGHTER. The most dangerous thing I find that I have learned here is that those things are available all over the United States in anybody's warehouse or in anybody's library. If there were blackmail to find out information, I think they would be far more likely to do that than in your vault.

Mr. NUSSBAUM. As Ms. Wetzl said, they weren't available to everybody.

Ms. SLAUGHTER. I understand that nobody took them.

Mr. NUSSBAUM. That is correct.

Mr. CLINGER. The time of the gentleman has expired. The Chair now recognizes the gentleman from New Hampshire, Mr. Zeliff.

Mr. ZELIFF. Thank you, Mr. Chairman. I ask unanimous consent to include my opening statement in the record.

Mr. CLINGER. Without objection so ordered.

[The prepared statement of Hon. William H. Zeliff, Jr. follows:]

PREPARED STATEMENT OF HON. WILLIAM H. ZELIFF, JR., A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW HAMPSHIRE

I want to commend the Chairman for initiating an investigation and convening this second round of oversight hearings to examine the circumstances surrounding the Administration's request and handling of 407 confidential FBI background files on former Reagan and Bush administration appointees and staffers. I find it incredible that a list could mysteriously have been assembled seeking highly sensitive and protected FBI files, allegedly for access authorization to the White House, and then as the Chairman put it this past weekend on Meet the Press, "no one wants to claim paternity for the lists".

I have eagerly awaited this hearing, since I feel the American people, and especially those on the list, deserve to know the facts surrounding this serious and increasingly disturbing White House operation. The public has heard wildly varying and frankly, in my view, unbelievable accounts about this invasive search. There have been other opinions in the media the past three weeks. Well, let me say this: The public has a right to know, and this committee intends to get at the truth of these files.

As had been reported, the Secret Service reports that their Electronic Pass and Security System (EPASS) could not possibly have generated the outdated lists. The FBI has also reported that they did not create the list. So—the looming question—the delicate pick-up-stick that no one has yet pulled is this: who did create that list,

and why is it such a selective, seemingly targeted, political list? The committee intends to get this question answered.

Additionally, let me say that some have represented that the FBI files gathered were just summaries, the lowest level FBI report containing only a few pages during a background investigation. But in fact, we have learned that these so-called summaries can be quite substantive, and could contain derogatory information provided by that American or by others about that particular American. Also, we have learned that a few of the files returned had SF86's, the raw data questionnaire for national security positions, attached to them and others had the highly confidential FBI 302s attached. All these, apparently, were readily available to interns without clearances and assembled at the White House for a yet undisclosed reason.

Finally, I find it disturbing that there appears to be a complete lack of control or policy in receiving or tracking file requests from the FBI. It seems ludicrous that with the technology that exists today, Mr. Livingstone and his subordinates operated no accurate accounting system.

In conclusion, I look forward to hearing from our witnesses today so that we may gain an understanding of the circumstances surrounding these very disturbing White House requests for confidential FBI files on Americans that they had no right to be investigating, reading, copying, or otherwise distributing from or at the White House.

Mr. ZELIFF. Why did Mr. Livingstone personally ask for Mr. Marceca to be detailed to the Office of White House Security?

Mr. KENNEDY. I think because he thought Mr. Marceca would be of good assistance to him.

Mr. ZELIFF. In your letters to then Secretary of Defense, Les Aspin, you requested Mr. Marceca and spoke of his unique talents. Who informed you of those capabilities?

Mr. KENNEDY. Well, Craig had indicated to me that he could particularly use assistance in dealing with the quite numerous members of the military that have access to the White House complex and that he thought that Tony's Army investigative background would be of assistance in that area.

Mr. ZELIFF. That is pretty much the whole of it, strictly just the Army?

Mr. KENNEDY. I think I don't understand your question, sir.

Mr. ZELIFF. In terms of his talents, did his talents pretty much represent those relative to the military?

Mr. KENNEDY. I mean, he said Tony was a good hand.

Mr. ZELIFF. Mr. Nussbaum, did you know of the special detailee request by name to work in the Personnel Security Office?

Mr. NUSSBAUM. No.

Mr. ZELIFF. You did not. So you did not authorize it?

Mr. NUSSBAUM. No, I did not authorize it in any specific fashion. Obviously, Mr. Kennedy had my general authority to do what he thought was best in running that side of our operation. I had great confidence as I said in my opening statement in his skill and judgment and integrity and still do to this day.

Mr. ZELIFF. So Mr. Kennedy had ultimate authority for that?

Mr. NUSSBAUM. He had authority delegated from me, yes.

Mr. KENNEDY. I did not discuss Mr. Marceca's hiring with Bernie. I did not.

Mr. CLINGER. Would the gentleman yield for one question?

Mr. Nussbaum, were you aware that in all the previous administrations no detailee had ever been brought into the White House to do this kind of review of very sensitive background material?

Mr. NUSSBAUM. I was not aware of that one way or the other. But I think—obviously I am sorry that what happened happened, but I think we faced a special problem, as I indicated before. We

had staff cuts and not enough people to do the job and at the same time we had a huge number of security clearances to process. That, I think, explains what happened here. If we had to do it all over again, obviously we would do it differently.

Mr. ZELIFF. Mr. Chairman, I yield the balance of my time to you, but would like to ask one question.

Didn't most of those staff cuts come out of the drug office?

Mr. NUSSBAUM. They were generally all throughout the White House. A good deal came out of the drug office, that is true, but they were all over the White House. We were terribly pressed in the Counsel's office.

Mr. CLINGER. The gentleman yielded his time to me.

Mr. Marceca, you indicated in your testimony that when you came to the White House you were directed to undertake this project. Who directed you to do that?

Mr. MARCECA. I received my directions from Mr. Livingstone, Mr. Chairman.

Mr. CLINGER. You got there because, as I understand it, Mr. Livingstone talked to Mr. Kennedy, recommended you for this position as a detailee to undertake this reviewing of these files, is that correct, Mr. Kennedy?

Mr. KENNEDY. Yes. Craig wanted Tony to come.

Mr. CLINGER. As a result of that, you were brought over.

Mr. Marceca, at the end, in February 1994, you concluded your first 6 months assignment. It is my understanding that request was submitted to extend your service at the White House for an additional 6 months; is that correct?

Mr. MARCECA. At that time, Congressman, I didn't realize that at that time. I found out later on—I didn't know until I saw a letter when I was interviewed by your counsel that I had been re-requested. That is the first I actually saw the document.

Mr. CLINGER. As far as you were concerned you had gone A through G on this particular file. You had also during that period reviewed other files as you have now indicated and given us the information, that you reviewed a substantial number of files involving National Security Council personnel, both staff and appointees; is that correct?

Mr. MARCECA. I reviewed everybody's.

Mr. CLINGER. Which was not an A to G list. You had completed the review of the A to G list for the White House staff; is that correct?

Mr. MARCECA. No, sir. If I understand your question, you said A to G. I reviewed A to G.

Mr. CLINGER. And then you left.

Mr. MARCECA. A to G was just the staff list, Congressman.

Mr. CLINGER. I understand, but then you left.

Mr. MARCECA. I left at that time.

Mr. CLINGER. I would yield to the gentleman from Indiana for a few questions.

Mr. BURTON. I think it is very important to clarify this. In section 9 of the letter from the Secret Service it says both supervisory and technical experts familiar with our EPASS system are unaware of any flaws which would cause an outdated list to be produced. We are talking about people from a previous administration,

and they said they did not believe it was capable possible for them to produce that outdated list. They went on to say, we continue to examine all aspects of the Secret Service passholder data base and access control systems and to date have discovered no flaws which would result in a data base generating printouts containing outdated information. So the Secret Service does not believe they produced this list from which these 700 names came.

I would like to have the committee put on the docket at some future date one more item. I received a letter from the FBI today, and they said, and I will make this available to everybody, said one folder in the box was identified as IRS return March-April 1993. This folder contains 5 sheets of paper each entitled IRS reports returned.

Each of these sheets of paper bears the names of numerous individuals, and notations as to whether reports are complete or incomplete. This would lead one to believe there have been some IRS audits or tax returns sent to the White House. I would like for us to pursue that, Mr. Chairman.

Mr. WISE. Mr. Chairman, these are important allegations. Could we at least have the FBI come in front of us to explain these kinds of things? We are just tossing them out for public speculation and—

Mr. BURTON. I make that request of the committee.

Mr. CLINGER. He is making that request of the committee. The gentleman's time has expired. Now I recognize the gentleman from Pennsylvania, Mr. Kanjorski, for 5 minutes.

Mr. KANJORSKI. Thank you, Mr. Chairman. Let me try to put this in a little bit of context. How many files in the course of a 4-year term of the President would the Personnel Security Office be called upon to examine?

Ms. WETZL. Are you asking me?

Mr. KANJORSKI. Yourself or Mr. Livingstone if he knows.

Mr. LIVINGSTONE. I am sorry, sir; I was making notes.

Ms. WETZL. I can answer. To my knowledge, thousands.

Mr. KANJORSKI. And those thousands of files would represent the full-time personnel of what we call the White House complex of approximately 1,900 people, other detailees such as Mr. Marceca that come in from all agencies to make up for the shortfall of slots available at the White House for work to be performed that we are all aware of, but this committee today pretends ignorance, but the White House does not staff itself through the other executive agencies of the Government to the tune of hundreds and sometimes thousands of people. Those people, because they have access to the White House, would be subject to examination; is that correct?

Ms. WETZL. Yes.

Mr. KANJORSKI. Then there would be those people who would on the normal list of visitors either to the President's office or to high officials' office that would have ready access to the White House; is that correct?

Ms. WETZL. Appointments were not handled by our office.

Mr. KANJORSKI. In other words, someone who was a friend of the President?

Ms. WETZL. Uh-huh.

Mr. KANJORSKI. Who would have ready access to his office, that would not come through your office; is that correct?

Ms. WETZL. Not that I know of.

Mr. LIVINGSTONE. If I could speak to that, if—precisely, if you are saying ready access, meaning there is an access list?

Mr. KANJORSKI. Yes.

Mr. LIVINGSTONE. They would. We would.

Mr. KANJORSKI. Surely Dick Morris has a file down there to check, he is not going to knock the President off if he walks in 1 day; right? I mean, we see him down there almost every day. So clearly his file, he has been cleared by the personnel security.

Mr. LIVINGSTONE. I can't speak as of today, but in my tenure at the White House Mr. Morris did not have a file with us at the White House.

Mr. KANJORSKI. Did not have a file?

Mr. LIVINGSTONE. Nor was he ever on access or had a pass.

Mr. KANJORSKI. All right. It is just that he would have to call ahead like any of us would call ahead that were coming and give our clearances as of that date; is that correct?

Mr. LIVINGSTONE. Well, I will say, within a week of me leaving, that was completely correct for Mr. Morris.

Mr. KANJORSKI. OK. Now in the course of a year then, thousands of names, particularly which started at the beginning of the term, because that's when you had to reconstruct the files that were missing from the prior administration, so thousands of files from the FBI would come over, be checked, and then be put into the vault; is that correct? They would never be sent back to the FBI.

As I understand it, no files, once sent from the FBI that came to the White House, were ever returned to the FBI. Is that correct?

Mr. LIVINGSTONE. Sir, I am glad you asked that question. The only information that I ever got—and I can't speak for the rest of the people here, of course—the only information I ever got about what we were to do with FBI files was to safeguard them, ensure that they were remanded to Records Management at the end of the administration.

I can attest to many instances when I got, early in the administration, investigations that were ongoing under Mr. C. Boyden Gray sent to our office, to C. Boyden Gray, and the FBI knew full well months into the administration that C. Boyden Gray wasn't the Counsel anymore.

And very often we would realize that these people had either separated or chose to leave, or whatever they decided to do, retire perhaps. And all we ever did with those files is, we safeguarded them, we stored them, and perhaps now they are in archives. But it's standard procedure, sir, and it's very important on this. We were never instructed to return materials back to the FBI.

Mr. KANJORSKI. It was always a one-way street. It got to your office, and you were charged to put them in the vault, keep them, maintain them, and like that?

Mr. LIVINGSTONE. Sir, if I could be specific, often—not very often but often, we would get—for John D. Smith, we would get John S. Smith's report sent to us by mistake by the FBI. Now, that we would send back to the FBI if we knew that we were requesting

John D. Smith versus John S. Smith, assuming they had no business ever at the White House.

Mr. KANJORSKI. OK.

Mr.—I want to talk to Mr. Nussbaum for a second because I noticed our—the chairman and members of the committee on the other side were shocked—shocked—Mr. Nussbaum, that your name is printed on a form and sent to the FBI and that triggers something.

There's no Member of Congress that would ever allow anything to go out of their office that they personally had their name on and that they weren't fully responsible for and knew the entire content. Oh, if that would ever happen—that would never happen on the Hill. You know that, don't you, Mr. Nussbaum?

Mr. NUSSBAUM. Yes, sir. I'm delighted to hear that.

Mr. KANJORSKI. You know, Mr. Nussbaum, that probably every congressional office on this Hill has a thousand pieces of correspondence or other material per day that leaves that the Member of Congress never sees and relies on the good sense of his staff to have—put a filtering process into place that he periodically checks, that sends that material out under his name, printed, or in many instances signature appearing like it was his original work. Is that correct?

Mr. NUSSBAUM. That's correct, sir. That was the procedure in the White House Counsel's Office under my tenure and under the prior tenures of other counsel before me. That's how I understood it, and now—I know that to be so, sir.

Mr. KANJORSKI. All right. Now, to close this up, I do have to say, you are starting to persuade me that this is a gigantic goof of gigantic proportions in terms of how it did impact on the right of privacy of people in perhaps allowing FBI records to get exposed.

But incredibly, I am beginning to think, in listening to the five witnesses, Mr. Chairman, that in fact, as I understand the testimony—and correct me now, anyone from the table—to your knowledge, you have sworn under oath none of this information that came in under these FBI folders was ever sent to a level above you, outside the normal course for what it was intended for, and specifically never for political purposes, and that none of you ever transmitted or communicated any of this information to the President of the United States, to the President's wife, to the Chief of Staff of the President of the United States, to any members of the Cabinet of the President of the United States or any of the high officials of the White House. Is that correct?

Mr. MARCECA. That's correct.

Ms. WETZL. Yes.

Mr. KANJORSKI. To no political operatives on the Democratic Committee—

Mr. CLINGER. The time of the gentleman has expired.

Mr. KANJORSKI [continuing]. Or anyone involved therein?

Mr. NUSSBAUM. That's correct.

Mr. LIVINGSTONE. That's correct.

Mr. CLINGER. The gentleman's time has expired.

And I would now just note that it seems to me that there is a difference between staff doing letters to constituent mail and get-

ting into FBI files. But with that, I would now recognize the gentleman from New York, Mr. McHugh.

Mr. MCHUGH. Thank you, Mr. Chairman.

Mr. Marceca, probably most importantly, sir, how do you pronounce your last name?

Mr. MARCECA. Thank you. It's "Marseesa."

Mr. MCHUGH. Thank you, sir.

Mr. Marceca, prior to your coming to the White House, prior to Mr. Kennedy asking Secretary Aspin for you to be detailed, did you have an opportunity to discuss what you might be doing with that request for your detail to be granted with Mr. Livingstone?

Mr. MARCECA. Yes, sir. I talked to him about giving me the opportunity to work in the White House.

Mr. MCHUGH. And more than that, what did Mr. Livingstone suggest to you might be your task if you were able to work that out?

Mr. MARCECA. Mr. Livingstone suggested that it was not investigative type activity, that it was clerical, administrative, reviewing backgrounds. He said that—as I recall, he said that the fact that I had a top secret clearance might help in the detail. But he reminded me that it would not be in line with what I do normally for the Army.

Mr. MCHUGH. What do you normally do for the Army, sir?

Mr. MARCECA. I am a special agent in the Criminal Investigation Division, and I investigate procurement fraud.

Mr. MCHUGH. Who told you—as I understand from your statements and things that I have read in the newspaper, who ordered you and requested that you report any derogatory information that you may find in the course of your review—you may discover in the course of your reviewing these files?

Mr. MARCECA. Sir, I was briefed that I—by Mr. Livingstone and, I believe, Ms. Gemmell that the Clinton administration wanted a higher level of review on people who were working in the White House, and I looked for various things that might raise to the level of concern.

Mr. MCHUGH. So that is relatively investigative in nature, though, is it not? I mean, to peruse files and do background checks and make a determination as to what is derogatory and what is not. Is that not part of investigation?

Mr. MARCECA. Sir, I didn't do background checks. I reviewed the documents. It was rather boring, but I reviewed them. I had the opportunity also—

Mr. MCHUGH. The boring things you did, were they not investigative?

Mr. MARCECA. No, sir. They were, I would say, review.

Mr. MCHUGH. OK. Why did it—from my perspective, and the reason I am asking is, if there is an explanation, I would like to hear it. Why did it take so long between the time when all of this became evident until now for you to release the data on the additional 300 files that we have now learned about? What was your thought process there?

I will wait for your attorney to—

Mr. MARCECA. I have got a letter—my attorney got a letter from you yesterday, and we took care of it.

Mr. MCHUGH. Prior to that time, it never crossed your mind that perhaps we ought to come forward and present everything so there is no implication that this is just a Chinese water torture of cover-up? Because I have to tell you, that's what it looks like.

Mr. MARCECA. Congressman, these materials were fully produced to other investigative agencies.

Mr. MCHUGH. To whom, sir?

Mr. MARCECA. One moment, please.

Mr. MCHUGH. Certainly.

Mr. MARCECA. To the Office of Independent Counsel, sir.

Mr. MCHUGH. What was the date of that submission?

Mr. Chairman, while we are—

Mr. MARCECA. Mr. Congressman.

Mr. MCHUGH. Yes.

Mr. MARCECA. I believe it was—I was consulting. I don't want to make any errors here. I believe that they were first alerted to the fact that there was a—that I had disks over a week, a week and a half ago. As soon as we discovered it, my attorney notified the Whitewater Committee.

Mr. MCHUGH. As soon as you discovered it?

Mr. MARCECA. Would you like me to walk that sequence through on how I discovered it?

Mr. MCHUGH. On how you discovered you had disks?

Mr. MARCECA. My first day that I met with my attorney, the first day—I was served with a grand jury subpoena, and I had a 45-minute interview with my attorney, and after that interview, he asked me, "Do you have any notes of any meetings with Ms. Gemmell?" And he—and that's where it started.

Mr. MCHUGH. OK. So prior to that time, it never occurred to you that this might be important?

Mr. MARCECA. Well, I was unaware that I had those files, sir. I had investigative files on those same disks, and I—and I had those in my—at my place of work, and I was unaware that—that those documents existed until he asked me to check.

Mr. MCHUGH. All right. Thank you.

Last week, when Mr. Gray testified, he responded to some of my inquiries—and the inquiries of others—that the FBI had contacted OPS and had told them, in relation to many of the files that you were requesting—that is to say, the inappropriately garnered files—that no name checks were being done. And Mr. Gray asserted and the FBI has testified that that should have served as an alarm bell to you that something, if not inappropriate, very unusual was occurring here.

Do you recall the FBI ever reaching out and making that kind of a statement?

Mr. MARCECA. I don't understand what OPS is. Could you clarify what that is?

Mr. MCHUGH. Office of Personnel Services, where you were working.

Mr. MARCECA. And they did what, sir? I am sorry.

Mr. MCHUGH. They contacted the White House, your office, Mr. Livingstone's office, as—and said, in response to the numbers of files that you were requesting, that no name checks in association with those requested files were being done.

Was the FBI's interpretation also Mr. Gray's interpretation that that condition, where you were just bringing over files wholesale without doing the necessary and attendant name checks behind them, should have indicated to you or anyone who was involved in the process that something unusual, if not inappropriate, but at least unusual, was occurring?

Mr. MARCECA. I don't want to burn up your time. Could I talk to my attorney? I don't understand your question.

Mr. MCHUGH. Well, let me withdraw that.

Mr. Livingstone, at any time did you ever meet with the FBI in any way with respect to this process and the files being requested by your office from them?

Mr. LIVINGSTONE. I don't recall. But to try and be helpful, I do recall early in the administration talking about workload, but not specifically these reports, sir.

Mr. MCHUGH. So you did meet with the FBI?

Mr. LIVINGSTONE. No. I didn't say I met with the FBI. I said I think I recall discussing with the FBI about workload.

Mr. CLINGER. I regret to tell the gentleman his time has expired.

Mr. MCHUGH. Thank you, Mr. Chairman.

Mr. CLINGER. I now recognize the gentleman from Vermont, Mr. Sanders, for 5 minutes.

Mr. SANDERS. Thank you very much, Mr. Chairman.

Mr. Chairman, let me just briefly describe the dilemma that I am having today and I think maybe many other people are having as well.

First, I am aware, and I know you are aware, of an April 23 memo from the House Republican leadership to all full and sub-committee chairmen, and it states—and I quote—quote, On behalf of the House leadership, we have been asked to call all committees for information that you already have on three subjects listed below. We are compiling information for packaging and presentation to the leadership for determining the agenda. You are a tremendous source for this project. The subjects are: Waste, fraud, and abuse in the Clinton administration; influence of Washington labor union bosses' corruption; examples of dishonesty or ethical collapses in the Clinton administration, end of quote, et cetera.

In other words, what we are aware of—some of us may be aware of, that there's a Presidential election coming. One or two of us may be aware of it. It's a hard fought election, and some of us are concerned about the enormous amount of partisanship which is taking place all over the Congress. I know that in a couple of weeks there is, in fact, going to be a hearing on labor unions who are actively involved in this campaign, and so forth and so on, and that concerns me. It concerns me very much.

Having said that and my concern about the nature of the partisanship, let me also say that I would want to express my belief that what we are discussing here is, in fact, a very serious matter. I believe very, very strongly that all—all Americans, including those of us who are public officials, elected or in administrative positions, have a right to privacy and that it is an outrage, an absolute outrage, that possibly derogatory information that individuals would not want to be read by anyone not needing that information for security purposes could fall into the wrong hands. And clearly

the White House handling of this whole situation has been a disaster.

This information contains very personal matters—medical information, credit history, and interviews with family members and close friends—that public officials, whether they are Republican, Democratic, or in my case an independent, have a right to be kept confidential and out of the wrong hands because we don't want individuals to be hurt; we don't want individuals' personal matters to be used for any political purposes.

Now having said that, let me ask Mr. Nussbaum a question, because this thing goes around and around. What all of us understand is that we do not want individuals, innocent individuals, to have their life history exposed to people who should not have that history. We don't want good people to be defamed.

Now, I have been in and out because I have had other matters today and I may have missed this, but, Mr. Nussbaum, when you testified earlier, you indicated that the Associated Press ran a story based on a press conference that I believe Mr. Clinger had.

And I am looking at your testimony from the AP story, and the AP story says, quote, U.S. Representative William Clinger, Republican-Pennsylvania, suggested the written requests might be a false statement that could be prosecuted as a felony, end of quote from the AP story.

Mr. Nussbaum, are you a felon?

Now, when we talk about derogatory information, when we talk about hurting innocent people, it goes all over the place. So you have been—it has been suggested in a national press story that you are a felon.

You have worked for the Government for how many years in public service?

Mr. NUSSBAUM. Well, I worked as Counsel to the President for a year and a half, and then I worked as assistant U.S. attorney in the southern district of New York as a Federal prosecutor in the early 1960's under Robert Morgenthau and Bob Kennedy. I also worked for the Congress of the United States on the impeachment inquiry of Richard Nixon as a senior associate special counsel under John Doyle.

Mr. SANDERS. Thank you.

My question is: How do you feel when you read an AP story that goes coast to coast, after years of public service, that some activity of yours might—that you could be prosecuted as a felon? How do you feel about that?

Mr. NUSSBAUM. I expressed to Representative Clinger just how I felt about that, and that's why I asked him for an apology, which I still haven't got.

Mr. SANDERS. Mr. Clinger—Mr. Chairman, would you want to put—I mean, we are all concerned, legitimately, that innocent people, Republicans, could have honest information about their lives going into the wrong hands. I share that. That is an outrage. But would you possibly agree that a national AP story which suggests that this man, after years of public service, might be a felon is also unfortunate?

Mr. CLINGER. Might I just suggest that the documents you are referring to was one document. We now know that there were hun-

dreds of documents that were being sent out. That document obviously raised a lot of suspicions because it was to request the files for Billy Ray Dale who at that time was under observations as to whether or not he was a felon.

Mr. SANDERS. I am aware of that. But you are familiar with the AP story. Here is a man—I mean, like the Republicans, hard-working public servants, work hard enough where we all have enough problems not to be called a possible felon. Does he deserve an apology?

Mr. NUSSBAUM. Mr. Chairman, that was a mistake—

Mr. CLINGER. Those documents speak for themselves, and I think that the concern I have here is that we have got a lot of effort made to sort of indicate that Mr. Marceca and Mr. Livingstone were solely responsible for this. I would suggest that Mr. Nussbaum and others who allowed this climate to exist in the White House are equally culpable.

Mr. SANDERS. Maybe, and ignorance and doing a bad job is one thing, but, you know, suggesting that somebody might be a felon after years of public service is, you will agree, a very different thing.

Mr. CLINGER. I never accused Mr. Nussbaum of being a felon. I said that if, in fact this was true, that this went out with his knowledge and it was for an erroneous request, for access for Billy Ray Dale, that that was a false statement.

Mr. SANDERS. But that's a lot of ifs.

Mr. Nussbaum, would you want to respond to that?

Mr. NUSSBAUM. Mr. Chairman, that is a reckless falsehood, and all you had to do, sir, is pick up the phone and ask me, did I know about this request for Billy Dale's files?

Mr. CLINGER. May I say to you, Mr. Nussbaum, we have tried to call you in the past, but we find that it's very difficult to get through the echelons of individuals to get to you.

Mr. NUSSBAUM. Representative Clinger, I am now—I now have even a more exalted position than what I had in the White House. I am now a private citizen. It is very easy now to get through to me. You call my office. Especially you, Representative Clinger, you could get through instantly. You got through to Billy Dale, but you never got through to me.

Mr. SANDERS. I would take back my time, Mr. Chairman.

Mr. MCHUGH. Mr. Chairman, may I make a parliamentary inquiry?

Mr. CLINGER. The gentleman will state his parliamentary inquiry.

Mr. MCHUGH. Thank you, Mr. Chairman. For my own edification, the status of the witnesses here I think is important for this moment in understanding, is Mr. Nussbaum here appearing under subpoena or by his own will?

Mr. CLINGER. Mr. Nussbaum is appearing under subpoena.

Mr. MCHUGH. Thank you, Mr. Chairman.

Mr. SANDERS. Mr. Chairman, the only point that I wanted to make is, this is a difficult process for all of us. I think there have been some serious problems that we want to get to the root of. I think we are also aware that there is a campaign going on as well, and some of us at least do not want to see this thing become ex-

traordinarily partisan. And just as we do not want to see innocent public officials, who are Republicans, who served this country to the best of their ability, have personal information about them being used in a disparaging way, so we——

Mr. CLINGER. There is a campaign going on, and time is also going on, and yours has expired.

Mr. SANDERS. OK. Thank you, Mr. Chairman.

Mr. CLINGER. I now recognize the gentleman from California, Mr. Horn, for 5 minutes.

Mr. HORN. Thank you very much, Mr. Chairman.

Let me just ask a few simple questions, first of Mr. Livingstone.

In terms of that vault, where was the Xerox machine in relation to the vault? Is it in the vault? Outside the vault? I know it's a stand-up vault; is it not?

Mr. LIVINGSTONE. Well, if I can try to answer your question part by part?

Mr. HORN. Yes.

Mr. LIVINGSTONE. The room that we operated in, in 1993, was one stand-alone room which had a stand-up—or I should call a stand-alone—vault attached to it.

Mr. HORN. So where is the Xerox machine in relation to the vault?

Mr. LIVINGSTONE. The Xerox machine would be located in the office which is adjoining the vault.

Mr. HORN. How many feet from the vault is it?

Mr. LIVINGSTONE. It is your standard office, probably 20 by 20.

Mr. HORN. Interns did go in and out of the vault; is that not correct?

Mr. LIVINGSTONE. Yes, sir.

Mr. HORN. And usually what we do with interns often is have them do the dirty jobs that nobody wants to do, which is go use the Xerox machine. So it is possible a lot of interns used the Xerox machine at the direction of somebody in your office, right?

Mr. LIVINGSTONE. Interns did use the Xerox machine.

Mr. HORN. OK. Well, if I were an intern, I suspect, and saw such intriguing names on a list as James Baker—and I think I would know if I was a college intern that he had been Secretary of State—isn't there a likelihood that intern might well have Xeroxed some parts of that file since here is a major figure in American politics and diplomacy?

Mr. LIVINGSTONE. You are asking me to guess, and I can't do that. What I can restate, sir, is that we stressed the importance, in both the briefing with the interns and required them to attend a security briefing which all White House staff do, the importance of handling and not handling materials which they don't have a need to know.

Mr. HORN. Yes. Well, it seems to me it's a pretty sloppy setup.

What intrigues me here is what I call the apology strategy. It's a method of operation that I find the Clinton White House using, whether it's the President apologizing to a group for increasing taxes or people apologizing for the seeming bureaucratic snafus.

Now, it just seems to me there's an assumption here that we Americans, the American people, are just so forgiving that once you

apologize, we will forget everything. And I guess I don't buy that assumption. So let me ask you a few questions.

Mr. Kennedy, did Mrs. Clinton or Vice President Gore recommend you for the counsel position you held in the White House?

Mr. KENNEDY. Mrs. Clinton probably had some involvement in it; yes, sir.

Mr. HORN. Did the Vice President have involvement?

Mr. KENNEDY. Not to my knowledge.

Mr. HORN. OK. But since you were part of the Rose Law Firm, you would assume Mrs. Clinton certainly had some role in that?

Mr. KENNEDY. I would assume so.

Mr. HORN. Well, let me ask all of you—and I think, Mr. Nussbaum, you also were an old friend of the Clinton family, as I remember, and certainly your position was partly due to their knowledge of you over the years, as I read. Is that correct?

Mr. NUSSBAUM. I worked with Mrs. Clinton on the impeachment inquiry and I—

Mr. HORN. Right.

Mr. NUSSBAUM. I don't think we were close personal friends with her or the President, but I did know them over the years, yes.

Mr. HORN. Well, what I am curious now is—Mr. Marceca, and Mr. Livingstone—did Vice President Gore or Mrs. Clinton recommend you for the position you held, Mr. Livingstone, to your knowledge?

Mr. LIVINGSTONE. I have no knowledge of that.

Mr. HORN. You have no knowledge of it.

And, Mr. Marceca, have you any awareness of Mrs. Clinton—

Mr. MARCECA. I highly doubt it.

Mr. HORN [continuing]. Or Vice President Gore?

OK. How about Mr. Carville? Did he recommend either one of you for a position? Did you get to him, Mr. Livingstone, in the campaign?

Mr. LIVINGSTONE. I don't believe Mr. Carville at that time knew who I was.

Mr. HORN. How about you, Mr. Marceca?

Mr. MARCECA. I don't believe he had any involvement in my getting the detail at all.

Mr. HORN. OK. Let me put to each one of you: Have you been offered a position in the public or private sector by anyone in the White House who is either an agent, a friend, or a relative of the President, the Vice President, or any member of the executive branch to say as little as you possibly can in this hearing or related hearings?

Has anyone offered you that position in the private sector or the public sector if, in brief, you keep quiet?

Mr. MARCECA. Is that question directed to me?

Mr. HORN. It's directed right down the line.

Mr. MARCECA. Absolutely not.

Mr. HORN. The answer is no from you.

How about you, Mr. Kennedy?

Mr. KENNEDY. Has anybody offer me a job to keep quiet? Is that the essence of your question?

Mr. HORN. Right. Yes, because some have said, gee, I can't remember, or something. And I'm just curious.

Mr. KENNEDY. Congressman, I have a job.

Mr. HORN. OK. You will want another one, I guess.

You, Mr. Livingstone?

Mr. LIVINGSTONE. Is the question, has somebody asked me to be quiet?

Mr. HORN. Has anybody related to the White House, the President, promised a position in private service?

Mr. LIVINGSTONE. Absolutely not.

Mr. HORN. Or public service?

Mr. LIVINGSTONE. If I—at the risk of sounding rude, but I don't mean to sound rude, but I did resign today.

Mr. HORN. No; I understand that. But sometimes people, even the Travelgate staff that they fired, they tried to place them around the administration when the heat got a little tough. So I am curious.

Ms. Wetzl?

Ms. WETZL. No.

Mr. HORN. And, Mr. Nussbaum, you are happy in New York?

Mr. NUSSBAUM. That would be a reprehensible and criminal act, and I don't believe anyone in the Clinton White House would do such a thing, sir.

Mr. HORN. Glad to hear it. Glad to hear it.

Mr. KENNEDY. Congressman, to answer your question, it is no for me as well.

Mr. HORN. Now, Mr. Livingstone, did you—and Mr. Marceca, too—did you remove, carry, or were in any way—well, this is to Mr. Livingstone.

Did you remove, carry, or were in any way involved in the removal of papers from the Office of White House Counsel, Associate Counsel Vince Foster? That allegation has been made. Were you involved in the removal of papers from that office after his tragic death?

Mr. LIVINGSTONE. I am sorry. You are going to have to make your question just a little more specific.

Mr. HORN. All right. Did you help move any documents from the office of Vincent Foster after his death?

We know various White House aides were in the room perusing documents, denying them to the U.S. Park Police. Were you one of those who either was called to help remove documents in any way from the Foster office?

Mr. LIVINGSTONE. I have no knowledge of anyone removing documents, no knowledge of anyone being asked or myself being asked, and I did not myself—

Mr. HORN. OK.

Mr. LIVINGSTONE [continuing]. Remove documents immediately following Mr. Foster's death.

Mr. CLINGER. The gentleman's time has expired.

Mr. HORN. Fine.

Mr. CLINGER. And I had hoped that we could break when we had a series of votes. However, I am advised that we are not going to have votes until about 3. I understand also we may have a medical situation here, and I don't want to exacerbate that situation. So I am now going to recess the hearing until 10 minutes of 3, and hopefully we will not have votes until 4.

Mr. KANJORSKI. Mr. Chairman, an inquiry before we go?

Mr. CLINGER. Yes.

Mr. KANJORSKI. Mr. Chairman, you had offered for the record certain documents. I wanted to make an inquiry whether the document from a Gregory Beecham to a gentleman by the name of T-K-U-B-I-C dated Monday, September 26, was offered and accepted in the record?

Mr. CLINGER. The documents that were entered as part of the record—that was the e-mail record, that's right, and that was made a part of the record.

Mr. KANJORSKI. Then, Mr. Chairman, based on the disclosure of that information, if I make a request, a unanimous consent request, that the following documents: A letter to Janet Reno dated June 11, 1996, from Congressman Collins——

Mr. CLINGER. We will——

Mr. KANJORSKI [continuing]. The prosecution memo of August 10, 1994, for Billy Dale; that the decline memo of January 11, 1996, from Harry Thomason and Darnell Martens; that the decline memo of April 5, 1996, for Darnell Martens and Harry Thomason; and the indictments scheduled of August 15, 1994, for Billy Dale all be printed and made a part of the permanent record?

Mr. CLINGER. We will reserve judgment on that unanimous consent request until we have had a chance to review the documents, and the committee stands adjourned.

[Recess.]

Mr. CLINGER. The committee will come back to order. The Chair now recognizes the gentleman from Minnesota, Mr. Peterson for 5 minutes.

Mr. PETERSON. Thank you, Mr. Chairman.

I'm not sure who I should ask this question of, but this list that was in the vault, it was described by one of you, I believe maybe it was Mr. Livingstone, as being on green and white paper, computer paper. I don't know which one of you mentioned—maybe that was you, Mr. Marceca. Typically, that kind of paper is what is used on mainframe computers. I haven't really seen people using green and white barred paper since we have gotten away from mainframes and into PC's.

It's the wide paper that generally is on mainframes?

Mr. MARCECA. Yes, sir.

Mr. PETERSON. Does that mean that this maybe came from a mainframe computer?

Mr. MARCECA. As I recall, that's what it looked like, sir.

Mr. PETERSON. Does the Secret Service have a mainframe computer, do any of you know? Is that what they use for this—their lists?

Mr. KENNEDY. I don't know.

Mr. LIVINGSTONE. I don't know, sir.

Mr. PETERSON. Probably above your pay grade.

Ms. WETZL. I don't know, sir. I know that they have two data bases and that there's different printouts that they can print from these data bases, but all the lists I ever saw were on that green paper.

Mr. PETERSON. Green and white barred paper?

Ms. WETZL. Right, right.

Mr. PETERSON. Well, maybe, Mr. Chairman, that's something we ought to find out in trying to figure out where this list came from.

Also, I was just curious, Mr. Marceca, when you were working through these lists, Ms. Wetzl was, I think, doing the right thing going through and trying to straighten it out, figuring out who should be on it and who shouldn't be on it. Why wouldn't you notice that, you know, people like Marlin Fitzwater were on that list? I mean, it would seem like some of these names that I have heard—I don't know that much about it, but it would be pretty obvious that they would—they were people that no longer were working there and shouldn't be on this list.

What—didn't that occur to you when you were going through?

Mr. MARCECA. Congressman, regarding Marlin Fitzwater, I saw Marlin Fitzwater in the White House complex during my detail. So if I had seen it—seen his name, it would not have raised any question in my mind.

Mr. PETERSON. So you—

Mr. MARCECA. That just happens to be one of them, sir.

Mr. PETERSON. So when you were going through this list, then, you didn't see any names that you thought looked out of the ordinary? It just seemed like usual?

Mr. MARCECA. At that time, sir, no one stood out in my duty.

Mr. PETERSON. And so these press accounts that talks about there were all these obvious names on there, at least to you this wasn't obvious? This was a list of people that you were told to check out and you were just going through and doing your job?

Mr. MARCECA. Yes, sir.

Long after the fact, when the files were collected and you put them all in a row, then it looks like something else. But at the time, in the file, I was unaware that I was pulling people—I was unaware that I was pulling people who did not have access when I was—when I was ordering their files; and none of them stood out at the time.

Mr. PETERSON. I thought—maybe I misunderstood, but when I was listening to Ms. Wetzl's testimony, she said that you had created a file on Marlin Fitzwater and sent it over. Is that the occasion?

Mr. MARCECA. I don't believe she said that, sir.

Mr. PETERSON. Maybe I misunderstood.

Mr. MARCECA. I am sorry.

Ms. WETZL. I believed it was Tony who had created it. It was—his name was the one that stood out to me in the batch of files—

Mr. PETERSON. I thought you had said that.

Ms. WETZL [continuing]. That I had thought Tony had put together.

Mr. PETERSON. But you don't remember creating his file?

Mr. MARCECA. I regret that I don't. And it wasn't—my attorney and I looked for that name on my list, my notes, and it was not on the notes.

So it's possible, but I don't recall that. I am sorry.

Mr. PETERSON. Mr. Chairman, I am going to yield back my time, but I would just like—I am, you know, I think as perplexed as anybody where this list came from. I would like for the committee to try to figure out what type of computer the Secret Service is using,

maybe what type of computers the White House is using, and see if there's any way that we can match up the printers to what, you know, what this list looked like, to see if we can figure out from that point of view where this came from.

Mr. Livingstone?

Mr. LIVINGSTONE. Yes, Mr. Peterson. By way of explanation, there are any number of people in the White House who can attest that well into 1994 that people like James Addison Baker were in fact on the Secret Service printout, and it said "active." There are many other people other than us that can attest to that, if asked.

There were numerous projects at the White House where attempts were made on a personnel basis to streamline the lists and identify people in a proper fashion. And a lot of people were too dependent on that list, evidently, early in the administration and—but there are many other people who can attest, other than us, that there were great problems with that list and, as you suggest, a name like Mr. Baker being on as late as 1994.

Mr. CLINGER. Would the gentleman yield on that?

Mr. PETERSON. I would be happy to yield.

Mr. CLINGER. The Secret Service has said they update their lists about every 3 days. I mean, they are not dealing with antiquated, out-of-date lists. They are very current, as we understood, on these lists. So it's really hard for me to conceive that Mr. Baker's name would have been on a list as an active participant.

Mr. PETERSON. If I could say, I used to be in the computer business and I monkey around with this, and it is my experience with people who work with data bases that they are very good about adding things but they are not very good about deleting them; and that might be what's happened here. I mean, really just about every time I get involved in this—something like that, that's what you will find.

But Ms. Wetzl looks like she is—

Ms. WETZL. Yes, sir. If I could tell you something that was told to me by the women who worked in the Secret Service office. I asked them why these lists were so outdated, why some of these names were still on there. What she told me—what they told me was that they had had computer people in to try and figure it out, and from what they could ascertain, the—when someone leaves the complex, when someone no longer works in the complex, they delete their name out of the pass computer so they can no longer get in, physically get into the complex. They can't use their pass if they kept it.

However, they are also supposed to delete them out of a second data base, out of that group. And very often, she said, that had not happened. That was the reason why the information we were getting was not completely accurate.

Mr. CLINGER. The gentleman's time has expired.

Mr. PETERSON. Thank you, Mr. Chairman. I just would say I think we need to find out more about these data bases and if the committee could get us some of that information, it would be helpful.

Mr. CLINGER. I would like to ask unanimous consent that the list, which I believe was prepared by Ms. Wetzl, White House Personnel Security Files staff, prior to 1-20-93, on which has been

added the deactivation dates of all the people on that list by the Secret Service, which indicates that Mr. Baker was deactivated as of August 26th, 1993, which would be contrary to Mr. Livingstone's assertion that he was still on an active list in 1994, I would like to ask that that be made a part of the record, without objection.

[The information referred to follows:]

I. WHITE HOUSE PERSONNEL SECURITY FILES STAFF PRIOR TO 01/30/93.

E-PASS

WAVES

ABDOO, HELEN THERESA	02-02-89
ADAIR, DOUGLAS CONRAD	09-25-91
AGIN, JOSEPH WHITEHOUSE	
AHEARN, FREDERICK LEONARD	02-03-89
ALVAREZ, RICHARD GUS	03-08-89
ANDERSON, ANN ELIZABETH	07-26-89
ANDERSON, CURTIS WILEY	02-03-89
ANDERSON, MARCY JEANNE	07-30-90
ARCHAMBAULT, MICHELE LONGAINE	03-30-89
AREY, LINDA LUCENIA	11-10-87
ARRONSON, PATRICIA SUE	05-14-90
ARNT, LESLYE ALENE	02-02-89
ASARE, MARION LOUISE	10-20-93
AUEL, LISA BOWEN	02-10-84
AUTHER, SUSAN MARTI	09-25-91
AVRASHOV, LEONID	12-07-92
BACARISSE, CHARLES EDWARD	12-30-90
BACH, CRISTINA LYNN	02-03-89
BAILEY, MARY SMALLFAGE	11-16-92
BAKER, JAMES ADDISON	08-26-93
BALESTRIERI, JEAN ANN	03-93
BALFOUR, DEBORAH	02-02-89
BARLETTA, KATHRYN ANNE	01-31-89
BARREDAUX, THEODORE CHARLES	09-17-90
BARRON, DONNA LOUISE	01-29-93
BATES, CHARLES EDWARD	05-05-92
BATES, LOREI JEANINE	12-17-91
BATT, ROCHELLE HEIDI	12-30-91
BATHMAN, PAUL WILLIAM	04-15-91
BATTAGLIA, LISA MARIA	03-23-92
BAUGHMAN, JULIA HANMON	04-07-93
BAUMYER, MATTHEW SCOTT	01-25-93
BAUMSTEIN, ANY MEREDITH	04-22-91
BAYHARD, BRIAN CALLAWAY	08-13-91
BEATTY, JAYSON FRANK	08-20-93
BECKER, JEAN LOUETTA	02-04-93
BECKER, JEROME DAVID	02-02-89
BEERS, PATRICK ADAM	08-25-89
BELBY, KATHERI RAY	12-30-91
BELL, LILLIE MAE	08-11-93
BELL, LOUISE HELEN	02-02-89
BENEDUM, RUDY MAX	02-03-88
BEVACQUA, ANITA CAROL	08-05-92
BISIC, DANICA	01-15-93
BLACK, DAVID LEE	07-27-90
BLANKLEY, ANTHONY DAVID	01-19-89

BLESSEY, STEPHANIE ELIZABETH	08-03-90
BLODGETT, SUZETTE A.	02-02-89
BOARD, ELIZABETH IDEN	04-02-85
BOLTON, JOSEPH BERNSTER	02-01-93
BONING, CAROLINA CONCEITA	02-01-93
BORCKARD, SUSAN AILEEN	11-17-87
BOWEN, JAMES	05-15-92
BRACKNEY, MARGARET LOUISE	01-29-93
BREEDEN, RICHARD CARROLL	12-01-89
BRIDGMAN, MARGERY ANNE	03-93
BRISCUSO, RAYMOND JOSEPH, JR.	11-01-93
BROCK, ANN CATHEY	01-15-93
BROTT, MICHELLE MARIE	02-21-89
BROWN, RONALD JAMES	01-15-93
BRYANT, CHESTER CORBETT JR.	04-30-91
BROWN, SARA ANN	03-18-91
BRADLEY, ELLEN LORRAINE	02-03-89
BRADY, JAMES SCOTT	01-26-90
BRADY, KATHERINE CHRISTINE	10-15-90
BRADY, MARLEEN MARIE	07-29-91
BREEN, STACY LYNN	01-28-92
BRENNING, GAIL RAY	01-15-93
BRENA, BETTINE CHRISTINE	01-29-93
BROCK, CRYSTAL LYNN	05-21-91
BROWN, PATRICIA MACK	08-10-89
BUCHHEIT, TODD GLENN	01-29-93
BULL, CATHERINE ELEANOR	03-11-93
BULLOCK, KATIA	04-07-93
BURTON, JEAN MARIE	01-29-93
BURRICK, RITA DAIVA	05-05-89
BURGESS, MARY JANE	07-15-94
BURKESTER, JANICE LEE	01-25-93
BURNHAM, WALTER JAY	12-03-91
BURNS, FRANCINE MARIA	11-01-93
BUSCH, MICHAEL JOSEPH	01-29-93
BUSTARD, BRUCE IRVING	02-08-89
BUTLER, SANDRA KAY	10-05-92
BUTLER, JUDITH ANN	02-01-89
BUTTERFIELD, DEANNE BURCH	02-02-91
BUTTERFIELD, WILLIAM JOSEPH	01-15-93
BYBEE, JAY SCOTT	07-08-91
BYBEE, PHYLLIS MCCOMMONS	11-15-96
CACCIA, MARGARET N.	07-26-89
CALDWELL, WILLIAM BURNS	12-18-92
CALHOUN, LANE FELICE	02-02-89
CALLO, NICHOLAS E.	06-24-91
CAMARANO, LORRAINE S.	08-11-89
CAMMACK, MARTHA REED	12-30-90
CAMPBELL, JUDY DIANE	01-29-93
CAMPBELL, SARAH LOUISE	04-11-90
CAMPBELL, VICTORIA ROMA	06-15-92
CAMPOLITO, STEPHEN ANN	10-30-90
CANARY, WILLIAM JAMES JR.	07-05-91
CARLSON, NICHOL LITCH	09-11-91

01-16-90 CARMACK, TERRY ALAN
 01-18-92 CARMICHAEL, DAVID MITCHELL
 11-12-85 CARMICHAEL, HOWARD ALSTON
 08-18-91 CARMICHAEL, LUCY COLE
 09-27-90 CAROLINA, JEFFERY KEITH
 01-15-93 CARPENTALE, ANDREW MICHAEL
 08-17-92 CARR, BOBBY GENE
 09-05-89 CARR, SALLIE WENNER
 04-05-91 CARRIERS, JOHN GERARD III.
 11-20-93 CASHOLL, FLORE JENNICE
 06-05-92 CARROLL, JEREMY STEPHEN
 09-15-93 CARROLL, MARY KATE
 04-30-91 CARROLL, RITA RAVEL
 01-26-92 CARTER, ALLISON WEND
 03-24-92 CASEY, ERLINDA ELIZABETH
 11-28-90 CASH, DANIEL ANTHONY
 01-29-93 CASTLE, SHARA ANN
 11-24-93 CAUDILL, GEORGE GRAY JR.
 07-17-91 CAWLEY, CAROLYN MARIE
 04-27-92 CELENTANO, GREGORY PHILLIP
 07-26-93 CHACON, DOLORES LUCINA
 04-20-92 CHANG, ALFRED WEL-KONG
 08-15-89 CHAPMAN, JOHN GRAEBROOK
 06-09-93 CHAPMAN, ROBERT GEORGE
 01-25-93 CHARLES, ROBERT BRUCE
 04-20-92 CHEN, KENNEDY FERGUSON
 03-11-93 CHILDS, MARY ELIZABETH
 01-05-93 CHIRTON, DOUGLAS WAYNE
 01-29-93 CHODOROV, JILL MELISSA
~~CHONG, GLORE JANE~~
 01-28-92 CHRISTOFF, THERESA MARIE
 02-02-89 CHUMACHENKO, KATHERINE CLARE
 01-31-89 CLARLANTE, MAJORIE HEINS
 01-06-93 CLARK, SHARON ELIZABETH
 08-31-90 CLADWELL, GEORGE MARVIN
 10-05-93 CLARKE, PAUL
 02-02-89 CLAYTON, ELIZABETH HOPE
 05-08-90 CLEALE, CATHERINE
 01-25-93 CLINE, JOHN ANTHONY
 01-19-89 COCKING, JANE RUSK
 01-20-89 COFFINA, SCOTT ANDREW
 10-15-87 COHEN, BENEDICT SIMON
 09-10-92 COHN, KAREN JOYCE
 01-29-93 COLDWELL, LISA TOWER
 06-14-90 COLEMAN, HERBERT MOLE
 01-29-93 COLLEY, CHRISTOPHER DAVID
 05-08-92 COLLINS JR., PAUL JOSEPH
 01-29-93 COLLINS, TRACEY REGINE
 05-08-90 COMPTON, ELIZABETH MARGARET
 02-08-93 CONNELL, KAREN ANN
 07-20-92 CONRAD, PATRICIA LYNN
 01-29-93 COOK, DAVID LAWRENCE
 03-31-91 COOK, MICHELLE DIANE
 02-01-93 COOK, JULIE

08-01-89 COOPER, B. JAY
 06-19-91 COOPER, JANET FELTON
 07-17-91 COOPER, MARSHALL
 31-30-90 COSTER, MICHELLE LYNN
 03-07-91 COTTRELL, JULIA MARIE
 07-05-91 COUNTELL, CATHERINE CHOWLEY
 04-11-90 COVINGTON, PAMELA JEAN
 06-15-92 COX, EMMA JEAN
 01-15-93 COX, PATRICIA HELEN
 02-01-89 COYLE, SUAN ALBERT
 12-02-91 CRAIG, GRAHAM WINSLOW
 05-04-93 CRAIG, JUDY A.D.
 08-13-91 CRITCHFIELD, CAROLINE MADDEN
 07-08-91 CROFT, FRANCES GAREY
 01-24-91 CROHNEIN, CAROL CATHERINE
 08-31-92 CROUCH, JANICE GRAM
 10-04-88 CROW, MATTHEW
 05-25-93 CROW, SHELLEY LYNN
 10-17-88 CRIPPEN, DANNY LEE
 12-05-91 CROTON, TRACY NICHELLE
 01-12-93 CRYON, ALLISON WHEATLAND
 01-12-93 CSORBA, LASZLO THOMAS
 07-26-89 CUDD, CONNIE EAY
 Active CULBREATH, LEE ADDIE
 08-07-91 CULLEN, LINDA ELAINE
 03-27-87 CULVATHOUSE, ARTHUR BOGGESS
 07-23-91 CUMMINS, CLAUDE LYNN
 12-18-92 CUMMINGHAM, ERIN NICHELLE
 03-09-90 CUMMINS, JOSEPH WILLIAM
 04-16-92 CURTIN, THEODORE CHARLES
 Active CURTIS, JANET FLORA
 07-19-93 CURTIS, RICHARD EDWARD
 09-11-91 CUSMAN, JEFFERY ANDREW
 05-09-92 CUSTER, ELLEN MARY
 01-20-93 CUTERHALL, JENNIFER LEE
 12-31-92 CUTERHALL, RACHEL RAE
 01-29-93 DALLAY, BRIAN DANIEL
 05-19-93 DALE, WILLIE RAY
 09-01-89 DALE, SHARON RUTH
 01-24-91 DALEY, JOHN JOSEPH
 12-04-89 DALY, ALISON NICHELLE
 01-29-93 DALY, DOLORES MARGOT
 08-28-93 DALY, JOHN AUGUSTINE
 06-11-93 DAM, DAVID T.
 08-13-91 DANGARD, JULIE KRAE
 12-06-92 DANICO, KRISTEN ANN
 04-19-91 DANA, TIMOTHY EDWARD
 07-20-92 DANCE, STEPHANIE CLINE
 09-17-90 DANIELA, JUSTINE
 Active DANIELS, WILLARD JR.
 02-89 DANNENBECK, JOHN DAVID
 04-30-91 DANFANSEY, STEPHEN IRA
 03-93 DAVIDSON, DOUGLAS ALEXANDER

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01/20/93 CONTINUED.

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01-28-92 DAVIS, PATRICK JOSEPH
02-04-93 DAVIS, PORTER MANVEL
01-30-89 DAVIS, WILLIAM HAL
02-02-89 DAWSON, BERT BRONER
04-16-92 DAWSON, SUSAN BRADSHAW
06-21-94 DEAN, DONALD RAY
01-16-93 DECAIN, JOAN GRENNEY
11-05-90 DECAUP, SARAH SWATCHER
01-26-93 DEE, KRIS MARIE
03-12-93 DEHART, LINDA SUSAN
01-28-92 DEL GROSSO, STACEY RAY
01-19-89 DELLINGER, DOROTHY REEA
01-29-93 DEMAREST, DAVID FRANKLIN
01-19-93 DENNISTON, SUSAN RUSSELL
02-01-89 DEWHIRST, MARY KATHRYN
01-30-90 DITZ, FRANCIS JOSEPH
01-23-89 DILLER, DANIEL CLIFFORD
02-10-92 DILLON, DIANA ELIZABETH
04-04-91 DOFFENBERG, PAUL ELAINE
03-27-90 DOGGERT, QUANTA MAE
02-08-89 DOHERTY, EILEEN S
02-17-89 DOLAN, ANTHONY ROSEY
01-15-93 DONAHUE, MARLA MURPHY
02-01-89 DONATELLI, FRANK JOSEPH
01-29-93 DONOVAN, CHARLES ANTHONY
01-29-93 DONOVAN, TEREIA ANN
09-16-91 DOOLEY, PEGGY ANN
08-28-92 DORSEY, CELESTINE SMITH
05-09-92 DORSEY, MATTHEW JOHN
09-25-92 DOUGLAS, KERR ANN
08-22-90 DRACOS, DIANE ELIZABETH
05-19-93 DREYLLINGER, JOHN PAUL
Active DROGHE, PHILIP CHARLES
01-28-92 DUBE, CHRISTOPHER MORIN
01-19-89 DUBERSTEIN, KENNETH MARC
01-13-92 DUGAN-FISOTT, PATRICIA JOAN
08-31-92 DUGGAN, JOSEPH PATRICK
06-29-90 DUGGAN, JOANITA DONAGHEY
06-05-92 DURN, DEBRA ROMA
08-11-93 DURN, ELIZABETH BROOKS
02-21-89 DUTCHER, CHARLES KEVIN
02-21-89 DUVAL, DOUGLAS PATTON
01-08-90 DUVAL, JACQUELINE ANNEA
10-30-90 DUNCAN, ROBERT MICHAEL
09-27-93 ELLIS, CATHELEN MARIE

09-27-93 HILLS, WANCY GAYLON
 01-26-93 HILTS, PAMELA ROSELYN
 02-03-89 HINGLER, DANIEL JOSEPH
 01-29-93 HINTOVEN, MARCIA JEAN
 12-18-92 HIRSH, AMY HESTERBRICK
 01-19-89 HIRSHBECK, JANE ISAACSON
 05-17-90 HIRLAND, CHRISTINA LOUISE
 07-17-91 HIRVIN, CLARK KENT
 08-31-92 HIRVIL, AUDREY
 11-13-90 HIRVIL, MARGARET M.
 02-08-89 HIRVIL, THOMAS C.
 12-18-92 HIRVIL, WILLIAM STAMPS
 06-02-89 HIRVIL, CHAS DALE
 12-31-90 HIRVIL, HENRY EDWARD
 02-04-91 HIRVIL, LACRA RECH
 01-15-93 HIRVIL, JULIE ELIZABETH
 08-24-94 HIRVIL, LINDA
 01-28-92 HIRVIL, JILL SUSANNE
 12-17-91 HIRVIL, JENNIFER LYNN
 05-01-90 HIRVIL, GARY HILL
 HIRVIL, JOHN
 no record
 09-03-91 HIRVIL, SARAH KILL
 12-30-90 HIRVIL, ALVIN STEPHEN
 05-04-92 HIRVIL, AMY CLAUD
 01-29-93 HIRVIL, CARMELINE SCHARFEN
 01-19-93 HIRVIL, ANDREW
 05-11-92 HIRVIL, VINCENT JASON
 01-04-90 HIRVIL, DYKES, SUSAN BEATRICE
 08-24-89 HIRVIL, VALLEY KEE
 01-28-93 HIRVIL, JENNIFER LOUISE
 01-29-93 HIRVIL, KIMMI ANN
 10-05-92 HIRVIL, DONALD CAMERON
 01-19-93 HIRVIL, ALLEN KIM
 02-01-93 HIRVIL, LAURIE ANN
 02-21-91 HIRVIL, JOHN EDWARD
 02-04-93 HIRVIL, GREGORY HARLAND
 01-26-93 HIRVIL, JAMES ALAN
 04-16-92 HIRVIL, SHARON ANN
 01-20-93 HIRVIL, MARLIN
 07-03-93 HIRVIL, NICHOLAS RUSHER
 09-07-93 HIRVIL, MARTIN ALVIN
 09-27-93 HIRVIL, FRANCES STELLA
 05-06-92 HIRVIL, SHELL ESTELLE
 07-13-90 HIRVIL, JENNIFER STAN
 0-10-89 HIRVIL, LEE
 04-19-89 HIRVIL, LYNN MARGARET
 06-13-89 HIRVIL, HEATHER OWEN
 08-15-90 HIRVIL, JOHN ALLISON
 08-1-92 HIRVIL, DAVID LOUIS
 08-13-91 HIRVIL, JOHN FREDRICK
 02-17-89 HIRVIL, MATTHEW TODD
 01-29-93 HIRVIL, CLAYTON SIK
 08-05-91 HIRVIL, JESSIE TRUI-GHIN

12-05-89 POONBERG, STEVEN MARK
 Active FORD, JOSEPH KENNETH
 04-11-90 FORT, MICHELLE CATHERINE
 05-19-92 FOSTER, GARY LAYNE
 07-26-89 FOSTER, PAUL THOMAS
 01-29-93 FRANTS, MARK ALEXANDER
 01-13-92 FREEMAN, JUDITH BJORGAN
 08-03-90 FRITS, MARY ELISA
 01-19-89 FULTON, YVELLA AYN
 01-29-93 FURCHTIGOTT-ROTH, DIANA ELIZABETH
 07-23-91 GABLE, ELIZABETH BRINTON
 05-19-89 GALEN, CHRISTOPHER WILLIAM
 01-24-90 GALLETTA, JOHN DAVID
 08-05-92 GANNON, KELLEY LENN
 08-25-92 GARDNER, JOHN STEPHEN
 05-30-90 GARTNER, MARGARET SAMANER
 02-24-92 GARRETT, TRACY DAVID
 01-29-93 GARVENS, TYLER
 05-22-89 GAY, CAROLYN SUE
 03-09-92 GEAR, KRISTEN MORRIS
 09-11-91 BRISINGER, SPENCER EVAN
 01-29-93 GEORGE, JOEY ROOSE
 09-24-91 GERAGHTY, LEOAN WEECKE
 01-29-93 GERASHOWITZ, GARY JAY
 12-18-92 GIBSON, JOAN GERRING
 10-13-89 GIBSON, STEVAN WILLIAM
 02-01-93 GIGING, KAREN ROSALIE
 12-05-89 GILLIN, DAVID LAWRENCE
 06-05-91 GLASSMAN, JON DAVIS
 12-18-92 GOSER, ELLEN JANICE
 02-24-92 GOFF, KAREN LYNN
 03-09-89 GOLAY, GAIL THERESA
 02-01-89 GOLDBERG, CATHERINE ANNE
 01-15-93 GOLDBERG, JULIE ANNE

UPDATE PROJECT AS OF 1/24-MARCECA

NAME

AARON, CAROL ELLEN - 5-8-90
 ABRA, LONNELISA SORALTA - 10-25-93
 ADDINGTON, DAVID SPEARS - 1-19-89
 AIDEMAN, CLIFFORD THOMAS - 1-28-93
 ALEXANDER, CARA LEELE - 10-5-92
 ALLISON, JAMES JENNY - 8-17-90
 ALLISON, MELISSA CO - 8-17-90
 ALCOBROOK DAVID ERNEST - 1-29-93
 AMED, BERGEMAN ANN - 10-4-91
 AMICK, JOAN MARIE - 3-97
 ANDERSON, L. LINUS ACTIVE
 ANDERSON, DEBRA KAS - 5-6-92
 ANDERSON, RENEEA LEE - 1-26-93
 ANDERSON, ANTONIO DEAN - 1-29-93
 ANDERSON, SUSAN ELIZABETH - 9-28-90
 ANDRES, GARY JOHN - 12-30-92
 ANDRICH, KIRSTEN CLARK - 1-29-93
 ARNOLD, JACQUELINE GRACE - 1-28-93
 ASCHENBACH, RENEEA ANN - 2-24-92
 ASHFELD, ROBERT KELLY - 6-1-89
 ASHLEY, MARK ANTHONY - 12-30-90
 ATLANT-PAR, M. ADRI - 1-29-93
 ATKINS, MICHAEL JAMES - 7-10-89
 ATKINSON, DENNIS MADRICH - 5-24-91
 ATKINSON, CAROLYN FLORENCE - 1-29-93
 AUGUSTINE, BARBARA MCCARTLEY - 2-8-93
 AUFFERMAN, TANNY SLOC - 1-28-92
 ✓ BARR, CHRISTINE ANNE - ACTIVE
 BAILLY, YVONNE GIL - ACTIVE
 BAKER, BARBARA WASH - 4-5-93
 BAKER, KATHLEEN MARGARET - 9-93
 BAILY, BOY KENNETH - 6-29-90
 BARNES, KAREN LEE - 1-29-93
 BARNETT, JANE ELIZABETH - 1-25-93
 BARR, BART CHRISTOPHER - 8-31-92
 BARTH, SHARLETTE MICHAEL - 1-29-93
 BASSUK, GREGORY DAVID - 8-17-92
 BATES, DAVID QUENTIN - 6-1-90
 BATES, MELINDA HALMANN - ACTIVE
 BAUER, GAYLE - 4-12-94
 BAUR, KATHLEEN ELIZABETH - 4-12-94
 BEACK, CHESTER PAUL - 1-29-93
 BEAN, EILEEN FERN - ACTIVE
 BECHERER THOMAS LUTHER - 6-19-93
 ✓ BECKEL, HEATHER MARIE - 5-1-95
 BEGARD, CATHERINE THERESE - 1-29-93
 BELLER, ELIZABETH KONE - 8-27-94
 BELL, MARTIN MONROE - 2-2-89
 ✓ BELL, ROBERT GREGORY - ACTIVE

NAME

BENNETT, ANTONIO 2-2-93
 BENJAMIN, MARY LEE 4-12-94
 BENNETT, CAROLINE CLARE 7-17-91
 BENSON, ELIZABETH ANN 12-31-92
 BIRNS, MARY MARIE Active
 BIRD, BEIRA Active
 BIRZO, MARK GUSTAV (2) 3-12-93
 BLACK, JUDY ANN 2-2-89
 BALCHORN, BARBAR ANN 12-31-92
 BLAKE, FRANKIE Active
 BLANEY, MARION CLIFTON 2-2-89
 BLISSETHAL, GARY ROBERT 9-6-91
 BODNER, GEORGE HUBERT Active
 BOSTICK, CLAYTON REBECCA 9-18-93
 BOWEN, SHARON MARIE 1-12-95
 BOWEN, JAMES VIRGINIA Active
 BRACKEN, ANN ROSEMARY 6-7-91
 BRADY, PHILLIP DONLEY 1-27-93
 BRASHEAR, BARBARA LAIS 5-19-93
 BROOKS, SYLVIA CARTER Active
 CAMPBELL, FRANCES LORETTA Active
 CARLSON, KATHLEEN SHADENESSY 8-12-93
 CARLSON, DANIEL LEE 6-23-93
 CARMICHAEL, ANN WILSON 9-19-95
 CARRAS, KELLY HANKINS 8-11-93
 CARPENTER, JUDITH LEE 10-25-93
 CARPENTER, MARGARET VAN MACHING 5-25-94
 CARR, CHRISTOPHER STEVEN 10-17-90
 CARR, EDWIN GEORGE 3-14-94
 CARR, MICHAEL RAMON 3-25-93
 CARROLL, SALLY CLAUD 3-24-89
 CARVILLE, JAMES 2-13-95
 CARMIN, SHERILL DENISE 6-6-96
 CASTAGNETTI, ANN MARIE 10-11-95
 CATE, JOSEPH NELSON 6-18-90
 CATTALINI, ANN MARIE Active
 CAVE, JULIAN ATTANAY 6-26-93
 CAVENDISH, SARA JOAN 9-15-93
 CEBA, CLARISSA 7-24-95
 CERRILL, JOSEPH WALTER Active
 CHADWICK, RAYSON WILLARY 9-24-93
 CHAMBERS, RICHARD LEE 8-17-92
 CHANOVITE, JULIA BOEN Active
 CHASTAGNE, FLORENCE 3-7-95
 CHANG, JENNIFER 10-27-93
 CHAPMAN, JAMES DANIEL 8-17-92
 CHAPPELL, LOGAN STANLEY 9-27-93
 CHARLES, PETER FARNHAM 8-3-90
 CYCOONI, JAMES WILLIAM 1-14-91
 CISHIANI, AYDA MARIE 3-30-92
 COLBY, GIFFORD WILLIAM 10-04-91
 COUNICK, MURAN ANN 12-18-92

NAME

COURTEMANCHE, JACK L.	5-5-89
COSEART, CHARLES G.	Active
CRABLE, LARRY ALLISON	Active
CRANFORD, KYLE ANN	09-12-95
CROSS, STEPHANIE MARGUERITE	01-23-95
CROSBY, AMANDA FAITH	Active
CURIEL, GARYLW	Active
CURRIE, BETTY WILLIAMS	Active
CURRY, DOBOTHY JANE	08-11-93
CURTIS, BILLY JANE	Active
CUTLER, W. BOSSMAN	04-04-96
DANIELS, BRENDA JOYCE	Active
DEAN, BENJAMIN PAUL	03-05-90
DEAN, JULIA LYNN	07-25-95
DEKE, KRISTINE MARIE	01-13-92
DONALDSON, HELEN COLLIS	03-04-93
DORN, MARY PATRICIA	02-06-90
DOYLE, MORGAN SILVER	11-22-89
DRY, LAURA HERALOFF	09-24-91
ELKINS, LUCY MAE	08-09-93
EMERY, SARA CORRENCE	Active
EMERY, OWEN LORRAINE	05-94
EVANS, GREGORY CHARLES	05-05-89
EVANS, MARILYN E.	Active
FICKLER, GARY ELLIS	05-01-90
FISHER, EVERLENE BEATRICE	Active
FLETCHER, MARILYN ANNE	Active
FOSTER, PATRICIA HELEN	07-20-93
FREE, CHARLES MARTIN	01-29-93
FREEMAN, MYRA BRIGHT	Active
FULLER, KAREN MAE	03-01-89
GARLINGTON, AUDREY JOYCE	05-31-89
GARDNER, BARBARA JEAN	Active
GRISLER, RONALD RUDOLPH	05-03-94
GERHARD, CONSTANCE	02-27-89
GILLETTE, KATHERINE JAMES	01-29-93
GLYN, ALICE REED	01-14-91

Mr. CLINGER. I am now prepared to recognize the gentleman from Connecticut, Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman. Mr. Chairman, I have been here during the entire hearing and allowed my slot to pass because I really just wanted to kind of get a handle on where I was coming from and to really observe all the witnesses. And I have to say that I try to remind myself that, you know, there but for the grace of God could go I. I mean, I could be on that side and someone else could be on this side.

But having said that, I then look at Billy Dale and somehow it's put in perspective for me, because that man got viciously attacked by the White House and he was prosecuted by the White House, and he was an innocent man. So when I put that in the context, then I'm able to see a little balance to this hearing.

Mr. Livingstone, I want to know who hired you.

Mr. LIVINGSTONE. That's a simple question. I came from the Inaugural Committee.

Mr. SHAYS. Tell me who hired you. I don't need to know where you came from. I don't want to use my time up that way. Who hired you?

Mr. LIVINGSTONE. Fine. I believe I was hired by Mr. Kennedy.

Mr. SHAYS. Mr. Kennedy hired you.

Mr. Kennedy, do you believe that you hired him?

Mr. KENNEDY. As Mr. Nussbaum testified this morning—

Mr. SHAYS. I want to know what you say. I will ask the question. Did you hire Mr. Livingstone?

Mr. KENNEDY. Just as was the case this morning, I will give you an answer if you are interested in it.

Mr. SHAYS. I want to know if you hired him. Did you or didn't you hire him?

Mr. KENNEDY. OK. I am going to give you an answer if you will let me answer, OK?

When I arrived, Craig had been designated, as I was informed by Vince Foster.

Mr. SHAYS. I don't want a long story.

Excuse me, Mr. Chairman. Could this not count on my time? I just simply have a simple question.

Did you hire him or did you not? Who hired Mr. Livingstone?

Mr. Livingstone, you believe Mr. Kennedy did.

Did you hire him?

Mr. LIVINGSTONE. If I could be of help, sir, I was in the office when Mr. Kennedy arrived.

Mr. SHAYS. Right. But you were a detailee?

Mr. LIVINGSTONE. No, sir.

Mr. SHAYS. Were you a full-time employee?

Mr. LIVINGSTONE. I was an advance person.

Mr. SHAYS. No, no. Who hired you?

Mr. LIVINGSTONE. I wasn't on payroll.

Mr. SHAYS. I will use my entire 5 minutes to get at one simple question. You can't tell me Mr. Kennedy did and then backtrack. Some—if Mr. Kennedy wasn't there when you were hired, then who hired you?

Mr. LIVINGSTONE. As I tried to start to tell you, as I recall it, Ms. Christine Varney, as I testified—

Mr. SHAYS. Who?

Mr. LIVINGSTONE. Ms. Christine Varney, who was the President's Cabinet Secretary, I had—as I recall it, she introduced people—

Mr. SHAYS. You know what, anybody can tell you—there's not a person in this room who doesn't know who hired them for whatever job. It's disingenuous for you guys to take so long.

Who hired you?

Mr. LIVINGSTONE. I didn't—

Mr. KENNEDY. You don't let us get a word out of our mouth.

Mr. LIVINGSTONE. I am trying to tell you, I didn't go on payroll for a couple of weeks.

Mr. SHAYS. When you went on payroll, who hired you?

Mr. LIVINGSTONE. When I went on payroll, I believe I worked for Mr. Kennedy, sir.

Mr. SHAYS. OK. Mr. Kennedy, when he went on payroll, were you the man in charge and did you hire him?

Mr. KENNEDY. I am going try it again, Congressman, OK?

Mr. SHAYS. Mr. Chairman, may I ask—request that I be allowed extra time if he takes needless time to answer the question?

Mr. CLINGER. I am not sure I can afford you.

Mr. SPRATT. Mr. Chairman, I request unanimous consent that he have extra time so the gentleman can get a full answer.

Mr. SHAYS. Thank you.

Mr. CLINGER. OK. We have agreement on both sides of the aisle.

Mr. SHAYS. Thank you very much.

Mr. CLINGER. I will allow 3 extra minutes.

Mr. KENNEDY. I don't think it will take that long, Mr. Chairman. When I arrived, as both Craig and I have testified, Craig had been identified for this position. That was conveyed to me by—

Mr. SHAYS. By whom?

Mr. KENNEDY. By—Vince Foster, Mr. Congressman, conveyed that information to me, OK?

As Bernie testified, Craig's hire was ultimately the responsibility of the Counsel's Office. But as all of us were, there was a brief probationary period until Craig's FBI report came in. So he was acting until his FBI report came in and the other necessary clearances for anyone to be employed in the White House complex were obtained.

Once those clearances came in and were checked out, then the Counsel's Office—primarily me, but I reported to Mr. Nussbaum, as Mr. Nussbaum talked this morning, but primarily me—we ultimately decided to keep Craig.

Mr. SHAYS. If you did not want Mr. Livingstone to be hired, would he have been hired?

Mr. KENNEDY. After the process that I just described had been concluded, if I had concluded that he should not have had that job, I would have gone to my superiors and said so.

Mr. SHAYS. OK. So as far as I am concerned, you hired him and that was your original answer. Thank you. It took a long time to get to that response.

Now, I would like to know why it took so long for—first off, I want to know who hired you, Mr. Marceca?

Mr. MARCECA. I am sorry, sir?

Mr. SHAYS. Who hired you, sir?

Mr. MARCECA. I was brought over.

Mr. SHAYS. I just want to know a simple question. Who hired you?

Mr. KENNEDY. Congressman——

Mr. SHAYS. I didn't ask you, Mr. Kennedy.

Mr. KENNEDY. I understand that.

Mr. SHAYS. I did not ask you a question. I asked this gentleman here, who hired you?

Mr. MARCECA. I am employed by the U.S. Army Criminal Investigation Command.

Mr. SHAYS. OK, so you are a detailee. Who requested that you work in the White House?

Mr. MARCECA. Mr. Kennedy wrote the letter, but Mr. Livingstone initiated it.

Mr. SHAYS. Thank you. Mr. Kennedy, you wrote a letter to the Secretary of Defense. Why did you need to do that?

Mr. KENNEDY. Because he was employed by Mr.—Mr. Marceca was employed by the Army, Congressman.

Mr. SHAYS. So you write to the Secretary of Defense to ask for a detailee?

Mr. KENNEDY. Yes, sir.

Mr. SHAYS. By name?

Mr. KENNEDY. Yes, sir.

Mr. SHAYS. OK. Why did you want him?

Mr. KENNEDY. I believe I previously testified, Mr. Livingstone came to me and said that he wanted Mr. Marceca to come over on a detailee basis. He wanted him in particular, as he conveyed to me at the time, because Mr. Marceca, being an Army employee, had some experience and a Top Secret clearance with regard to military personnel in the White House.

Mr. SHAYS. Thank you. You have answered the question.

Mr. Marceca, you were involved in looking at the files that—both active and inactive files provided to you by the FBI?

Mr. MARCECA. I—when I was working there, sir, every file I looked at, I was under the impression or believed that they were active files.

Mr. SHAYS. So Mr. Baker would be an active person? Was he asking to work for the Clinton White House?

Mr. MARCECA. If he was on the list, he would be an active file, yes, sir.

Mr. SHAYS. Did you not see certain people on that list that had actually been former employees, therefore, no way should they have been in your possession? Didn't you have any sense whatsoever that they shouldn't be in your possession?

Mr. MARCECA. Absolutely not.

Mr. SHAYS. So you are telling me you thought it was your right to look at Mr. Baker or any other former employee, based on what—on what knowledge did you base that on?

Mr. MARCECA. Congressman, if they were on the list, the access list, or they were on the Secret Service list, I believed that I was supposed to create a file. That's what I did.

Mr. SHAYS. Is this the list that was—that mysterious list that was in—that you talked about was in the computer room and—where was that list?

Mr. MARCECA. It was in the vault, sir.

Mr. SHAYS. OK. The vault. Now, this list had no name attached to it? It was just this magic list? Who formed this list?

Mr. MARCECA. I believe the Secret Service. But I don't recall that it had—it may have had a header, sir; I don't recall. It may have said Secret Service. It may have had stamps on it. I don't recall that.

Mr. SHAYS. Were you ever asked to look at Billy Dale's file?

Mr. MARCECA. No, sir.

Mr. SHAYS. Mr. Livingstone, were you ever asked to look at Mr. Dale's file?

Mr. LIVINGSTONE. I believe that—

Mr. SHAYS. Would you get near the mike, please.

Mr. LIVINGSTONE. I would be happy to, sir.

I believe that there were numerous requests over the years.

Mr. SHAYS. Were you asked to look at Mr. Dale's file? Under oath, I am asking you that question.

Mr. LIVINGSTONE. I believe there were numerous requests over the years from various investigative bodies asking if we had information on Mr. Dale.

Mr. SHAYS. After Mr. Dale had left, were you asked to look at Mr. Dale's file?

Mr. LIVINGSTONE. Yes.

Mr. SHAYS. You were. After he left?

Mr. LIVINGSTONE. Yes.

Mr. SHAYS. After he was no longer an employee?

Mr. LIVINGSTONE. Yes, in response to—

Mr. SHAYS. By whom?

Mr. LIVINGSTONE. Your committee.

Mr. SHAYS. By whom? Just our committee?

Mr. LIVINGSTONE. Yes.

Mr. SHAYS. We asked you to do what? What did our committee ask you to do?

Mr. LIVINGSTONE. Specifically, sir, I last recall being asked for the file in response to White House Counsel's request—

Mr. SHAYS. So it was the White House Counsel's request.

Mr. LIVINGSTONE [continuing]. To produce the file.

Mr. SHAYS. When was that?

Mr. LIVINGSTONE. I don't know the specific date, sir. Recently.

Mr. SHAYS. OK. Bottom line, as far as I am concerned, the White House misused the FBI and the Justice Department to go after an innocent man, and that innocent man is Mr. Dale. And this man here, this chairman of this committee, has spent 2 years just simply trying to get at the truth. And the reason why you are here now and not 2 years ago is that you all stonewalled it, and sadly some of my colleagues on the other side of the aisle voted against finding the White House in contempt when they tried to continue this cover-up.

I yield back.

Mr. CLINGER. The gentleman's time has expired.

The Chair now recognizes the gentlelady from New York, Mrs. Maloney, for 5 minutes.

Mrs. MALONEY. Thank you, Mr. Chairman.

Mr. Nussbaum, it has been stated several times today by various members of this panel that you were subpoenaed to testify today.

A subpoena gets media attention and leaves the general impression that you did not wish to cooperate.

Did you ever at any time tell any member of this panel or any staff of this committee that you would not assist them in this inquiry?

Mr. NUSSBAUM. No. In fact, I voluntarily appeared to testify in deposition, private—you know, before the staff of the committee. I gave them the full story of what I knew and what I didn't know. And obviously I didn't know about this particular error. Then, we arranged—because of my schedule, we arranged that I would complete my testimony on other subjects on July 8, to be mutually convenient to us because I did have an active schedule and my lawyers had an active schedule. And all of a sudden—despite the fact that we made that agreement, all of a sudden I was told, you know, contrary to our prior conversations, that I had to show up for a hearing today.

Now, I said I would show up any other day, any subsequent day, subsequent to July 8. I would make myself available and make my—as I made myself available before. That's what basically triggered the subpoena to appear on this date.

I received a subpoena. I am now here, prepared to answer any questions this committee has. But I have been fully cooperative with this committee.

Mrs. MALONEY. So in other words, you were willing to be fully cooperative; you have been cooperative yet you were issued a subpoena possibly to create a general unwillingness to cooperate, a negative impression of you. And I deeply feel this is unprofessional treatment and unfair treatment of this witness, Mr. Nussbaum. I really do.

Mr. NUSSBAUM. Well, all I would say, Congresswoman, is the subpoena was issued to get me here today. I sort of understand that, in a sense. But my story was told prior to my coming here today, and that was told fully voluntarily before the staff; and I also volunteered to appear again in another deposition and volunteered to appear at this committee hearing if we could reach a mutually convenient date.

I am not really all that angry at the subpoena, actually.

Mrs. MALONEY. OK. Well, Mr. Nussbaum, I think we should discuss what we should do to correct this in the future.

Mr. NUSSBAUM. Thank you, Congresswoman.

Mrs. MALONEY. Mr. Nussbaum, do you believe we should remove the entire process of reviewing background information from the White House and place it in an independent agency to prevent any type of appearance of impropriety in the future?

Mr. NUSSBAUM. No. I—look, I think—the answer to that is no. But I do think, after 30 years—I agree. I have been thinking about this now. After 30 years, I think the White House should take a look at the process, the FBI should take a look at the process, from top to bottom. I am sure improvements can be made in the process. I am sure, basically, that there were—that problems arose in the last 30 years, and I think that's what the White House is doing now. I think that's what Jack Quinn is doing, and I think that's what Louis Freeh is doing.

We have good people there, good people in the White House and good people in the FBI, and now they are taking a fresh look at it, and the procedures they are coming up with are good procedures and maybe there can be even better procedures.

Mrs. MALONEY. Well, the White House and the FBI have come out with new safeguards which include a requirement now that on the new request forms the actual signature of the official requestee of material must be on it, and it also must certify that the information is official, for official purposes only, and likewise it says that the consent of the file subject must also be on the document or some explanation as to why this cannot be obtained.

Do you think if these guidelines had been in place, this problem would have happened?

Mr. NUSSBAUM. No. I think if those guidelines had been in place, this problem probably would not have happened. What we did, when we came in, is we basically followed the guidelines of prior administrations. We followed the processes of prior—of prior administrations.

I think these guidelines are now a positive thing. I think—I must tell you, very candidly, I think it will add to the paperwork, add to the bureaucracy. It's going to make life a lot more difficult for the White House and they are going to need—and other agencies, and they are going to need a lot more people to function on this thing. But, you know, in view of what happened, in view of the fact—in view of the fact there has been a potential loss of public confidence in the process, I think the steps taken by the administration are healthy steps to restore that confidence and to make sure the process works correctly.

Mrs. MALONEY. Do you think we should legislate these regulations and give the force of law behind them, or are the regulations enough?

Mr. NUSSBAUM. I think, for the time being, the regulations are enough. I think you should give them a chance to see how they will work. I think they will work, even though it will be a big pain to the next White House Counsel, whether he is a Republican or a Democrat; and nonetheless, I think we should give it a chance to work. And if they do work, as I think they will work, I don't think legislation will prove necessary.

Mrs. MALONEY. I would just like to clarify, if the FBI had required that—if before it would send over to the White House a previous report on any current or former White House official, a written form had to be filled out by that official in advance, like the IRS now requires, would this problem ever have occurred—

Mr. NUSSBAUM. No.

Mrs. MALONEY [continuing]. Do you believe?

You don't believe so?

Mr. NUSSBAUM. I don't think this problem would have ever occurred.

Let me just say one thing, while I have the microphone. There have been suggestions here today by various questioners that the White House, the White House, was involved in the prosecution of Billy Dale; that the White House, you know, once the—once the investigation began, the White House somehow committed acts thereafter to cause the Justice Department to indict Billy Dale. That is

absolutely not true. The decision to prosecute Billy Dale was a decision made solely by the Justice Department on the basis of their investigation. There was absolutely no interference from the White House with respect to that investigation and any suggestion to the contrary, any implication to the contrary is false to the best of my knowledge.

Mrs. MALONEY. I would like to ask Mr. Marceca, yesterday we received a huge volume of documents from your attorney, and one of those documents is a memo from you to Mr. Livingstone. And in that—the memo accompanying the documents suggests that you were proceeding through a list of names, by department. It appears that these documents that you requested from the FBI background had summary reports from the GSA, the CIA, AT&T and the Credit Union before you requested any information on people who worked at the White House. Is that correct?

Mr. MARCECA. That, ma'am, was a status report. Mr. Livingstone wanted to know where we were in the Update Project, and that's what that is.

Mr. CLINGER. The gentlelady's time has expired.

I would now recognize the gentleman from Florida and ask him to yield to me for just 20 seconds.

Mr. MICA. Thank you. I yield.

Mr. CLINGER. Just very briefly, to make a point that Mr. Nussbaum has stated that you adopted the procedures that had been used in past administrations. We know of no evidence of any abuse of the system that occurred during the 30 years or so that that had been in place. It seems to me that the—the error that was committed here was to put people into those positions to look at these files who really had no business looking at those files; and that was the difference, the change in the procedure that occurred.

And I would yield back to the gentleman from Florida.

Mr. MICA. Thank you.

Mr. Livingstone, you did security for the Clinton campaign; is that correct?

Mr. LIVINGSTONE. No, sir.

Mr. MICA. What did you do? Did you work on the campaign?

Mr. LIVINGSTONE. I did advance.

Mr. MICA. The Inaugural?

Mr. LIVINGSTONE. At the Inaugural Committee, sir?

Mr. MICA. Did you do the—

Mr. LIVINGSTONE. I did Inaugural Committee—

Mr. MICA. Security, OK, for the Inaugural Committee?

Mr. LIVINGSTONE. Yes, sir.

Mr. MICA. Did you feel you did a pretty good job?

Mr. LIVINGSTONE. Yes, I did. I got a very nice letter from the Director of the Secret Service and a plaque from the Secret Service.

Mr. MICA. Was the First Lady or the President aware of your service?

Mr. LIVINGSTONE. I don't have any knowledge to that effect.

Mr. MICA. Does anyone in your family have any relationship with the First Family?

Mr. LIVINGSTONE. Absolutely not.

Mr. MICA. Did Mr. Kennedy—did you report to Mr. Kennedy on the first day when you came into the White House, when you said he hired you? Whom did you report to?

Mr. LIVINGSTONE. I believe I testified earlier that I worked on advance prior to going on the payroll.

Mr. MICA. I know. But the first day at the White House, who did you report to? When you went on the payroll, who was the first one you talked to?

Mr. LIVINGSTONE. I believe it was Cheryl Mills, Counsel's Office.

Mr. MICA. Were you aware at any time of problems in the White House relating to security? Because you immediately got into the security business, were you aware of any leaks or problems with security at the White House?

Mr. LIVINGSTONE. Well, as I testified earlier, my job, sir, as I understood it, was largely administrative at the White House.

Mr. MICA. But were you aware of any problems at the White House with security leaks? Were you aware of some of the rumors about problems in the White House of the First Lady and the Secret Service and things leaking out? Were you aware of problems of that nature?

Mr. LIVINGSTONE. I am not sure when I first became aware of that, but I certainly am aware of it today.

Mr. MICA. Mr. Watkins testified to our committee, in reference to an instance—this is Mr. Watkins' word—a memo, the first page, to the Secret Service refers to an instance early in the administration where there was a press story about the First Lady throwing a lamp at the President and the Press Secretary—

Mr. FATTAH. Point of order, Mr. Chairman.

Mr. MICA [continuing]. Two or three days or even longer. Were you aware of this incident?

Mr. FATTAH. Point of personal privilege.

Mr. MICA. Isn't Mr. Watkins—

Mr. CLINGER. The gentleman will state his point of personal privilege.

Mr. FATTAH. I want to know how long we are going to allow this smearing attempt on the First Family. This is far beyond questions about the files or work related to people here about the First Lady—how far is this going to go.

Mr. MICA. This is from our hearing, not what I said, but what Mr. Watkins said.

Mr. FATTAH. It is not remotely related to the subject matter.

Mr. CLINGER. The gentleman's point of personal privilege is not appropriate in view of the fact that the gentleman is questioning about events that occurred contemporaneously with activities about these activities, which may well have accounted for motivation behind what was done.

Mr. MICA. Were you aware of any of these incidents or problems, or did Mr. Kennedy talk to you about the need to tighten up security personnel?

Mr. LIVINGSTONE. Can you ask me a more specific question? I'm sorry.

Mr. MICA. Did anyone talk to you about any incidents that were reported or leaked to the press, did Mr. Kennedy talk to you or anyone else about tightening up on personnel, yes or no?

Mr. LIVINGSTONE. I don't believe I had a conversation with Mr. Kennedy.

Mr. MICA. Who produced this form? This isn't the Standard Form 86. This is a supplemental form.

Mr. LIVINGSTONE. I can't see it, sir.

Mr. MICA. Somebody take him a copy of that.

This is a form, it is not a Standard Form 86, it says "Office of the Counsel to the President," and it says, "return this form to Craig Livingstone."

This is not a standard form. This asks a question about your political affiliation; is that not correct?

I will be glad to cite the pages. Did you make this form up or did someone else make this form up?

Mr. LIVINGSTONE. No, sir, I did not make this form up.

Mr. MICA. Did these forms come back to you?

Mr. LIVINGSTONE. They came back to my office.

Mr. MICA. Did these forms go to career White House employees, people who had been there for years and years? Are you aware that they were distributed to folks?

Are you aware that you can distribute these to people who were title 3 White House political appointees, but if you ask these questions of career civil servants that you may be breaking the law?

Mr. LIVINGSTONE. I am trying to keep up with all your questions, sir. I am sorry.

Mr. MICA. You have never seen this form that was to come back to you?

Mr. LIVINGSTONE. No, sir, I didn't testify to that.

Mr. MICA. Have you seen the form?

Mr. LIVINGSTONE. I am just trying to review this. There are 20-some pages.

Mr. MICA. In your testimony—

Mr. BARRETT. Mr. Chairman, if he could ask the witness one question, allow the witnesses to answer and then go to the next question rather than just badgering with a series of questions?

Mr. MICA. I am trying to find out if he has ever seen the form.

Mr. FATTAH. This process is embarrassing the entire committee.

Mr. CLINGER. The gentleman should have the opportunity to answer the question.

Mr. MICA. Have you seen the form before?

Mr. LIVINGSTONE. I am trying to be precise. I am looking through each page to make sure it is part of a form that is familiar to me.

Mr. MICA. In your testimony to us today you said you used the Standard Form 86 attached, check, waiver forms for new hires. But did this form in fact go to people who had been there for years in an unprecedented fashion?

Ms. WETZL. May I answer that question.

Mr. MICA. No. I am asking Mr. Livingston.

Mr. CLINGER. The gentleman from Florida has the time and has the right to ask the question of whichever witnesses.

Mr. MICA. You can look at that and respond. I will get back, because I will stay until I get answers.

Mr. Livingstone, have you seen any FBI files that had any information relating to Members of Congress or our staff or staff of this committee?

Mr. LIVINGSTONE. Sir, I am sorry, I didn't hear your question. I was talking to my counsel. I am not familiar with the form which has many extemporaneous notes written into it and I am trying to be precise by reviewing each page.

Mr. MICA. It says, "return to Craig Livingstone," doesn't it?

Mr. LIVINGSTONE. OK, sir, page 1 of the form saying personal data statement has my name on it.

Mr. MICA. My question was have you seen any FBI files that had any information relating to Members of Congress or members of this committee staff? Were you aware of any of the files that you had—

Mr. LIVINGSTONE. Do you want me to finish reviewing this document or do you want me to answer that question?

Mr. MICA. I want to get answers to both questions, sir.

Mr. CLINGER. The gentleman's time is expiring. He wants an answer to the last question.

Mr. LIVINGSTONE. If you could repeat the question.

Mr. MICA. Have you, for the third time, seen any file that was requested by the FBI or any other file that had information relating to Members of Congress or any of our staff?

Mr. LIVINGSTONE. I have no knowledge of ever reviewing a Congressional file. However, if a Member of Congress were being nominated for, say, the President's Foreign Intelligence Advisory Board, something like that, that would be pursuant to my duties.

Mr. MICA. Were you aware—

Mrs. COLLINS OF ILLINOIS. Point of order, Mr. Chairman.

Mr. CLINGER. The gentlelady will state it.

Mrs. COLLINS OF ILLINOIS. My point of order is that as I came in Mr. Livingstone was being asked to answer some questions about a form which is under discussion right now and I don't seem to have a copy of that form and none of my members have a copy. We are a part of the committee, too, and would like to know what is going on.

May we have a copy of the form?

Mr. CLINGER. I appreciate the gentlelady's inquiry.

We will make a copy of the form available to all the members of the committee. Both sides of the aisle.

Mrs. COLLINS OF ILLINOIS. We would like to have it now.

Mr. CLINGER. As Mr. Nussbaum mentioned, the White House is understaffed—we are obviously understaffed, too, when we are using members to deliver—

Mrs. COLLINS OF ILLINOIS. We don't have it, Mr. Chairman.

Mr. CLINGER. I don't have a copy of that particular memo. I am asking that all members be given an opportunity to review the form that Mr. Mica has been discussing.

The Chair recognizes—

Mr. BARRETT. Parliamentary inquiry before my questions. Since this is not the "Perry Mason" show, I think rather than having documents thrown at the witnesses, it would be a courtesy to the men and women here and to the members of the committee if they would see those documents before they are flamboyantly demonstrated and tossed. I request just out of courtesy that we be given the documents before the individuals are questioned on them.

Mr. CLINGER. We will try to conform with that suggestion. We have tried to make documents available.

I now recognize you for 5 minutes.

I recognize the gentleman from Wisconsin for 5 minutes.

Ms. SLAUGHTER. Point of order, Mr. Chairman.

Mr. CLINGER. The gentlelady will state it.

Ms. SLAUGHTER. Earlier this morning a document was handed out to the press. We had to ask for a copy. I have been around here, this is the first time I have seen that the minority has none of these papers you are talking about and are totally in the dark.

I don't know what else you are going to be pulling out of your hat there. I would like to see it before. I think committee members are entitled to do that, according to the Rules of the House.

Mr. CLINGER. Most documents we have been talking about have been documents that came to both sides of the aisle either from the White House or from other sources.

Ms. SLAUGHTER. We do not have those documents.

Mrs. COLLINS OF ILLINOIS. Let me disagree with you, Mr. Chairman, that that is not the case. You have documents that we have not even seen and for that reason all we are asking is to be treated fairly. That is all.

Mr. CLINGER. I will assure you that we will treat all members of the committee fairly.

Mr. MICA. Mr. Chairman, I have additional documents—the documents were the 11 pages that were entered into the record this morning, and I think they have been made available to you and other members of the committee.

Mrs. COLLINS OF ILLINOIS. Mr. Chairman, do you mind starting the clock over again?

Mr. CLINGER. I will indeed.

Mr. HORN. Point of personal privilege, Mr. Chairman.

Mr. CLINGER. The gentleman will state his point of personal privilege.

Mr. HORN. No. 1, this is the first time in my life I have been called flamboyant; but No. 2, it was a choice of either throwing that document or shutting C-SPAN off the air, and I decided not to shut C-SPAN off the air. So much for that.

Mr. CLINGER. I will recognize yet again the gentleman from Wisconsin, Mr. Barrett, for 5 minutes.

Mr. BARRETT. Ms. Wetzl, you attempted to answer a question.

Ms. WETZL. The personal data statement, to my knowledge, was never given to a nonpartisan career employee. They were only in political appointment packets. If they did go to a career employee by accident, it was by accident in the security packet that we gave out.

Mr. BARRETT. Mr. Marceca, one of the mysteries to me is this A-to-G mystery. Can you shed some light on the A-to-G mystery?

Mr. MARCECA. Yes, sir. I went through the update list department by department, and near as I recall, near the end of that list was staff, I guess it is because it was "S," and I was working on—I was gleaning and scrubbing, so to speak, everything that was on that list that I believed needed to have access, needed access to the White House. So I was going down that list and trying to make sure that, one, they were still at the White House, and two, that

I didn't prevent them from coming into the White House in case of an emergency.

Mr. BARRETT. Why did you stop at G-O?

Mr. MARCECA. That is as far as I got when I left.

Mr. BARRETT. Did you continue this project through the day that you left or did you stop the project prior to your leaving?

Mr. MARCECA. I cleaned up all SF-86's about 2 weeks before I left, but I was scrubbing the list and that is why it has got everybody on it.

Mr. BARRETT. You said you were going department by department, and this was "S" for staff. Prior to that, what other lists did you do?

Mr. MARCECA. I did the GSA segment, C and P, volunteers, NSA, National Security Council, each of those, Credit Union, each of those departments.

Mr. BARRETT. Volunteers would come after "S," would it not?

Mr. MARCECA. That is correct. There were very, very few volunteers who had to fill out 86's. As I recall, the only ones that did were those that were in sensitive positions. They had to have a background investigation.

Mr. BARRETT. Had you finished this project, having completed staff, where would you have gone next?

What was after "S"?

Mr. MARCECA. I am not sure what was after that. I don't know. I believe I was pretty much at the end of the list. In fact, I think the project was pretty close to being completed when I did leave, although I was at "G."

Mr. BARRETT. Ms. Wetzl, you talked about memos that you had sent to the Secret Service. Can you explain to me what those memos were?

Ms. WETZL. Yes. There were dozens of them. They were just little weekly/daily things. When I would notice that a name was listed under a wrong office or a name needed to be deleted, I would say to Secret Service from Lisa. Could you please take these names off the list?

Mr. BARRETT. Have you produced those? Have those been requested?

Ms. WETZL. I left the Office of Personnel Security in September, and when I left they were in the office. I have not seen them since.

Mr. BARRETT. The names in question, are those the types of names that you would have sent a memo concerning, or was it—in other words, when you saw this list of names did you send a memo with these names on it to the Secret Service?

Did you see the list of 300 or 400 names; when you saw that list and saw it was in error, did you send a memo, or is that not the type of thing that you would send a memo for?

Ms. WETZL. I did not work off the list that Tony worked off of because there were several lists. We would constantly get new lists from the Secret Service and I would work off those lists as we went through them. There is a misconception that there was one list for the whole project. That is not true. There were continuous updates to the list from the Secret Service.

Mr. BARRETT. At any point did you send a memo to the Secret Service saying these names are erroneous?

Ms. WETZL. I continually sent memos to the Secret Service with names when I discovered them.

Mr. BARRETT. Did those contain the same names as the people we are talking about today, the A-through-G list?

Ms. WETZL. I don't recall.

Mr. BARRETT. Mr. Livingstone.

Mr. LIVINGSTONE. Mr. Barrett, I think this might be of help to the committee in the way of explanation, so that you don't think that we are complete idiots, to be sure there are names that have from time to time been associated with previous administrations.

In my capacity, one of the things that I came to do was maintain a list of people that had access to CIA information and very often at the beginning of this project, and I believe others will recall and can testify to this, that the CIA had a list of people that had not been properly deleted, certainly through the Reagan-Bush administration, but I believe all the way back through Carter, that said they had the most sensitive clearances in the Government and they just had not been dropped because previous White Houses had not properly checked these people out.

Mr. BARRETT. We have heard that the lists are correct from the Secret Service. Are you saying then that they are not always correct?

Mr. LIVINGSTONE. Absolutely. I don't mean to impugn the Secret Service in any way, but there are many occasions, there are several individuals, one the EOP Security Officer, Charles Easley, recalled a story to me recently that he remembers going through the Secret Service list well into 1993, if not 1994 deleting upwards of 200 names.

Mr. CLINGER. The time of the gentleman has expired.

Mr. BARRETT. Can Ms. Wetzl answer the question?

The question was simply did the Secret Service make any errors in these things? You talked about continuously updating them.

Ms. WETZL. Yes. The lists were inaccurate.

Mr. CLINGER. The time of the gentleman has expired.

The Chair now recognizes the gentleman from Massachusetts Mr. Blute for 5 minutes.

Mr. BLUTE. Thank you, Mr. Chairman.

I commend you for holding these hearings. Most of us think that this is a serious issue, that there was a serious breach of privacy of American citizens in this case and that serious questions are raised about it.

Last week we heard from previous administrations, the Carter, Reagan and Bush officials who handled these matters, and I must say that they handled them in a different fashion.

There appeared to be a culture of responsibility with regard to the privacy of these documents in previous administrations that obviously did not exist in this administration. I think this committee needs to find out how that happened, why it happened and to make suggestions as to how we can prevent it from happening in the future.

I asked the counsels from the previous administrations how they used these FBI documents to screen respective White House officials to be cleared. They said they looked for a pattern of abuse. If somebody had a drinking problem that was a pattern or a drug

problem that appeared to be a problem, that would cause them to raise a flag and suggest that that White House person not be cleared.

I think this committee is trying to see if there is a pattern on this issue and whether there was an effort to use these documents in a way that I think everyone would agree would be improper. So, Mr. Livingstone, I would like to pursue that line and ask you about your political experience working with the Hart campaign.

As you know, Mr. Dennis Casey has recently said that he had worked with you on that campaign and that you had suggested using negative information against Mondale delegates to try to hurt them in some way. Let me report what he said. Dennis Casey, and this is from the New York Post—Dennis Casey, a Pennsylvania political operative said Livingstone dug up dirt on State politicians in Hart's 1984 Presidential campaign to blackmail them into supporting Hart over Walter Mondale, and that Mr. Casey thought that this was inappropriate and brought that to the attention of higher-ups in the Hart campaign.

Did you, indeed, do what Mr. Casey says you did do?

Mr. LIVINGSTONE. I am sorry, sir, are you saying Mr. Casey gave a deposition and said that he reported to higher-ups in Hart's campaign. I don't presume to ask you a question, sir, but who did he report that to?

Mr. CLINGER. The affidavit was given to the committee staff.

Mr. LIVINGSTONE. Could we see it? I am not trying to be difficult. [The information referred to follows:]

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

IN THE MATTER OF: WHITE HOUSE TRAVEL

DEPOSITION OF DENNIS M. CASEY

THURSDAY, JUNE 20, 1996
Washington, D.C.

The deposition in the above matter was held in Room 2157, Rayburn House Office Building, commencing at 3:15 p.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee: Barbara Olson, Chief Investigator; Barbara Comstock, Special Counsel; Ronald Stroman, Minority Deputy Staff Director.

Ms. OLSON. We are on the record to get a sworn statement from an individual whose name is Dennis M. Casey, C-A-S-E-Y. Present is myself, Barbara Olson, Barbara Comstock from Majority staff; and present from Minority staff is Ron Stroman.

Mr. Casey, at this time, I would ask that the court reporter be allowed to swear you in so that this statement you are about to give is being given under oath with penalty of perjury for any lies or material omissions.

THEREUPON, DENNIS M. CASEY, a witness, was called for examination by Counsel, and after having been first duly sworn, was examined and testified as follows:

EXAMINATION BY MS. OLSON:

Question. Would you just state your full name, your company and where you reside?

Mr. STROMAN. Barbara, before you do that, can I make one thing clear?

Ms. OLSON. Yes.

Mr. STROMAN. My understanding is that this is not a deposition consistent with—or pursuant to an H. Res. 369; that you are—the testimony—the witness is here voluntarily and he is going to give a sworn statement.

Is that correct?

Ms. OLSON. That's precisely correct. He is here just to give a sworn statement and state what he knows. I am just going to ask him who he is, where he lives and what company he has.

My only other real question is why did he decide to do this.

Okay?

Mr. STROMAN. Okay.

EXAMINATION BY MS. OLSON:

Question. If you could give your full name?

Answer. My full name is Dennis Michael Casey, C-A-S-E-Y.

Question. And can you just tell us what you do for a living?

Answer. Yes. I own a public relations firm and I function also as a political consultant and a political analyst.

Question. And where is your public relations firm located?

Answer. In Pittsburgh, Pennsylvania.

Question. And when you function as a political analyst, is that out of your firm?

Answer. Yes, it's one of the services we provide through the firm.

Question. At this time, I would just ask you, do you have a statement to make?

Answer. Yes, I do.

Question. Would you please give that statement?

Answer. Yes, ma'am.

In 1984, I was hired to assist in the Primary Election effort of former United States Senator Gary Hart in Pennsylvania. Specifically, I assisted in scheduling the candidate and directing the political activities in western Pennsylvania. The campaign—

Question. I don't mean to interrupt you, but you need to go a little slower. Okay.

Answer. The campaign used my private office at 1502 East Carson Street on the South Side of Pittsburgh, and an office also existed in the Westin William Penn Hotel in downtown Pittsburgh. My office was for statewide staff and the hotel office was for national staff members.

I first came in contact with Craig Livingstone in the William Penn Hotel. A meeting was held because of concern that local and State labor leaders and some prominent public officials were strongly allied behind the candidacy of Walter Mondale.

Mr. Livingstone had a legal pad with him and he began to report on some of the peccadilloes and vulnerabilities of these persons in hopes of either neutralizing them or getting their support switched from Mondale to Hart. I do not recall the names of the leaders at this time, but I do recall a number of them were from the Beaver County area of which Mr. Livingstone was a native. I should note, too, that's a strong labor section and a heavy Democratic voter registration area.

I was greatly upset with Mr. Livingstone, as I viewed the matters he was reporting as personal matters that would adversely affect the lives and families of these people. I told him that I wanted no such work done in this area and that I felt the mere gathering of this information could harm the efforts of Senator Hart and that any attempt to use the information would cause the labor leaders to support the opponent even more adamantly, in my opinion.

Mr. Livingstone disagreed, and I reinforced my direction to him to stop that type of work. He, as I recall, left the room angrily.

That evening I met Mr. Marceca, who I understand was a member of the Hart national campaign staff assigned to Pittsburgh. He seemed like an affable man when a group of us were having an after-work cooling-out session at Mario's Restaurant, adjacent to my then office.

He talked to me about the worth of Mr. Livingstone's information, and I recall he stated it was time for the Hart campaign to play "hardball" with the dirt Mr. Livingstone had gathered. I stated I would have no part of it and that was not how I viewed the political process as working.

The next morning, I came in my office and was informed that Mr. Marceca had been in my office prior to my arrival and had removed money from the petty cash box. I checked the drawer and \$200 was missing.

I tracked him down through telephone calls and whatnot, and he apologized, but he said that he needed the funds urgently to get handbills printed and distributed concerning an upcoming visit by the Senator to the South Side. He said he also needed the money to pay community children or urchins to distribute the fliers door-to-door.

The next day, young children began to show up at the office asking for their pay. I tried to reach Mr. Marceca, but was unable to do so. I paid them from my pocket. I think it was \$5 or \$10 each, as I recall. I tried to reach Mr. Marceca, but he did not get back in touch with me.

Shortly thereafter, the woman who owned a print shop down the street approached me and asked to be paid for the fliers. I paid her. I again attempted to call Mr. Marceca. My call was not returned.

At that point, I approached my codirector, Dan Calegari, who I will deviate from the statement for a moment, is from Hill, New Hampshire, as I recall. He was sent in from New Hampshire to Pittsburgh. And I told him about this apparent theft.

We called a man whose name I recall was Page Reese in the Washington Hart office, who was in charge of national staff, I understand. I told Mr. Reese that in my opinion, Mr. Marceca had committed theft and that he would not be permitted back in my office.

The next day, Mr. Marceca telephoned me to state that he had been reamed out by Mr. Reese, and I remember the quote—it stayed in my mind all these years—you guys got me good, right between the eyes, and he slammed down the phone after that.

That night, a Gary Hart confidante, Billy Shore, who was a member of the Senator's personal Senate staff, arrived in Pittsburgh. In a meeting at the William Penn Hotel, with Dan Calegari in attendance, I aired my concerns about the campaign tactics of these men and I stated that unless they were distanced from the campaign, I would resign.

Billy called Washington. I don't know who he spoke with down here, and to the best of my knowledge, both men were not seen around the Pennsylvania campaign again, that I was aware of.

I never heard of these guys again until I read newspaper accounts of the FBI files matter. I then saw on CNN a film clip of Mr. Livingstone and it triggered my memory of the events. And that's really what I know about these gentlemen.

Question. To the best of your memory, is the statement which you have given a truthful statement?

Answer. Oh, yes, ma'am.

Question. Can you just tell us, in your own words, why you are here today?

Answer. It's going to take a minute. I've been in the political consulting business for 33 years and in the last several years, I have seen what I regard as thug elements entering the business. In 1994, I did a congressional campaign for a gentleman named Ron Klink of Pennsylvania.

His opponent in that period hired a private detective to research the adoption records of Mr. Klink's children, to research me and to research my child who at that time worked in Washington. Let me rephrase that. My oldest daughter who worked in Washington.

I was revulsed by that, and I firmly believe I have an obligation to the people, the 99 percent of the people in this industry who work on issues, who work honestly to get people elected, to make sure that this sort of thing doesn't happen. And if it happens at the White House, and I stress, if it happens at the White House, it has to stop.

I also realize I am putting myself at a great deal of personal and professional risk by doing this. I went to church before I called the committee to reflect on what I should do and I decided that this was the right thing to do, and I cannot judge innocence or guilt of these men or anything like that. I only know this period of time what happened, and that's why I am here today.

Ms. OLSON. Do you have anything, Mr. Stroman?

EXAMINATION BY MR. STROMAN:

Question. Do you have any specific knowledge of the matters involved in the White House file controversy?

Answer. No, sir. No, sir. None whatsoever.

Mr. STROMAN. Okay.

Ms. OLSON. Any other questions?

Mr. STROMAN. No.

Ms. OLSON. Ms. Comstock.

Ms. COMSTOCK. I don't, either.

The record is down.

The WITNESS. Thank you.

[Casey Exhibit No. 1 was marked for identification.]

[Whereupon, at 3:35 p.m., the deposition was concluded.]



In 1984, I was hired to assist in the Primary Election effort of former U.S. Senator Gary Hart in Pennsylvania. Specifically, I assisted in scheduling the candidate and directing the political activities in western Pennsylvania. The campaign used my private office at 1502 East Carson Street on the South Side of Pittsburgh, and an office also existed in the Westin William Penn Hotel in Downtown Pittsburgh. My office was for statewide staff, and the hotel office was for national staff members.

I first came in contact with Craig Livingstone in the William Penn Hotel. A meeting was held because of concern that local and state labor leaders and some prominent public officials were strongly allied behind the candidacy of Walter Mondale. Mr. Livingstone had a legal pad, and he began to report on some of the peccadilloes and vulnerabilities of these persons in hopes of either neutralizing them or getting their support switched. I do not recall the names of these leaders at this time, but I do recall a number of them were from the Beaver County area, of which Mr. Livingstone was a native. I was greatly upset with Mr. Livingstone, as I viewed the matters he was reporting as personal matters that would adversely affect the lives and families of these people. I told him that I wanted no such work done in this area, and that the mere gathering of this information could harm the efforts of Senator Hart...and that any attempt to use the information would cause these labor leaders to support the opponent even more adamantly, in my opinion. Mr. Livingstone disagreed, and I reinforced my direction to him to stop that type of work. He left the room angrily, as I recall.

That evening, I met Mr. Marceca, who I understand was a member of the Hart national campaign staff assigned to Pittsburgh. He seemed like an affable man when a group of us were having a cooling-out session at Mario's Restaurant, adjacent to my then office. He talked to me about the worth of Mr. Livingstone's information, and I recall he stated it was time for the Hart campaign to play "hard ball" with the dirt Mr. Livingstone had gathered. I stated I would have no part of it, and that was not how I viewed the political process.

The next morning, I came in the office and was informed that Mr. Marceca had been in my office prior to my arrival and had removed money from the petty cash box. I checked the drawer and \$200 was missing. I tracked him down and he apologized, but stated that he needed the funds urgently to get handbills printed and distributed concerning an upcoming visit by the

Senator to the South Side. He stated he also needed the money to pay community urchins to distribute the fliers door-to-door. The next day, young children began to show up at the office, asking for their pay. I tried to reach Mr. Marceca, but was unable to do so. I paid them from my pocket...\$5 or \$10 each, as I recall. I tried to reach Mr. Marceca, but he did not get back in touch with me. Shortly thereafter, the woman who owned a print shop down the street approached me and asked to be paid for these fliers. I paid her. I again attempted to call Mr. Marceca. My call was not returned.

At this point, I approached my co-director, Dan Calegari, and told him about this apparent theft. We called a man whose name I recall was Page Reese, in the Washington office, who was in charge of national staff. I told Mr. Reese that in my opinion Mr. Marceca had committed theft, and that he would not be permitted back in my office. The next day, Mr. Marceca telephoned me to state that he had been reamed out by Mr. Reese, and I remember this exact quote, "You guys got me good, right between the eyes." He slammed down the phone.

That night, a Gary Hart confidante, Billy Shore, who was a member of the Senator's personal staff, arrived in Pittsburgh. In a meeting at the William Penn, with Dan Calegari in attendance, I aired my concerns about the campaign tactics of these men, and I stated that unless they were distanced from the campaign, I would resign. Billy called Washington, and to the best of my knowledge, both men were sent packing.

I never heard of these men again, until I read newspaper accounts of the FBI files matter. I then saw on CNN a film clip of Mr. Livingstone, and it triggered my memory of the events.

*The release is true to the
best of my knowledge and memory.
Respectfully,
M. Casey*

M. Casey

Mr. BLUTE. Beyond the affidavit, the Post has reported that Dennis Casey—it is a sworn affidavit also. It is a pretty easy question to answer. We are trying to get to the bottom of this. Don't try to be diversionary.

Did you dig up dirt on Mondale delegates or not? That is a pretty easy question to answer. And did you try to blackmail them into this or not? You are able to say no if that is the case.

Mr. LIVINGSTONE. I am not trying to be difficult. By way of explanation, I have tried to find out who this Mr. Casey is.

Mr. BLUTE. You have never met Mr. Casey?

Mr. LIVINGSTONE. I am not saying that. I just don't recall who he is. I was in Pennsylvania and I haven't had a chance to read this, so I don't know.

Mr. BLUTE. Mr. Marceca have you met Mr. Casey?

Mr. LIVINGSTONE. Could I finish?

I think I was in Pennsylvania in 1984 for 7 or 8 days. It was my first job with a national campaign. My job was to build a crowd in Market Square, if I recall, in Pittsburgh. I worked on the campaign to the end of the campaign. At the end of the campaign I flew back on the plane with the whole staff, and when Mr. Hart ran again in 1987, he asked me to help coordinate his announcement for President.

Mr. BLUTE. So you have never met Mr. Casey.

Mr. LIVINGSTONE. It was earlier alleged this morning that I was fired from the campaign and I didn't have a chance to respond, so I am trying to answer the question in total. I don't know that I have met Mr. Casey. I don't believe that I ever made any comments like that to Mr. Casey or any other individual when I was in Pittsburgh.

Mr. BLUTE. All right.

Mr. Marceca, did you ever meet Mr. Casey?

Mr. MARCECA. Not to my knowledge.

Mr. BLUTE. Both of you say you have not met Mr. Casey in the Hart campaign in 1984?

Mr. LIVINGSTONE. As I said, I asked the person that ran Pennsylvania, the person that ran—none of them recall this incident.

Mr. BLUTE. You have never in political campaigns been involved in using negative information against various opposition candidates?

Mr. LIVINGSTONE. I have never been involved in opposition research.

Mr. BLUTE. Let me ask you about while you were in the White House you were—we have had numerous reports about you using or perusing FBI files of current or now former Clinton administration officials. The Wall Street Journal reports that several people also said that Mr. Livingstone sometimes went around the Old Executive Office Building complex saying he had inside information about various people and matters. Is that something that happened or occurred during your tenure at the White House?

Mr. LIVINGSTONE. I believe as I testified earlier that I talked with a number of people in my official capacity about information that I had from the files. It think that it would be widely known that I had information on people because I reviewed the files.

Mr. BLUTE. These reports seemed to say that White House officials who were speaking to these reporters were concerned about your use of this information and that you were using it in a cavalier fashion and not as part of your duties.

Mr. LIVINGSTONE. As I believe I testified earlier, without being able to look at my notes, that on one occasion Ms. Evelyn Lieberman admonished me about being insensitive to a particular person about her background file.

Mr. BLUTE. That only occurred once?

Mr. LIVINGSTONE. I don't recall having a discussion with Mr. Kennedy or any of my successors.

Mr. CLINGER. The time of the gentleman has expired.

Mr. GREEN. Mr. Chairman, could I have ask unanimous consent that we have the affidavit of Mr. Casey that was provided?

Mr. CLINGER. It is in the record.

Before I recognize Mr. Moran, I am going to ask Mr. Livingstone if you will read that affidavit now and indicate whether or not you deny the allegations that are in that or whether you can confirm the allegations?

Mr. LIVINGSTONE. I would be happy to. I wasn't trying to be difficult earlier.

Mr. CLINGER. I understand.

Mr. WISE. I would like to point out that is a very fair request of the Chair. I was concerned. I think it violates due process to ask the witness to comment on a deposition or an affidavit that he is not a party to and hasn't seen.

Mr. BLUTE. Mr. Chairman, I was referring to a press report and not the affidavit.

[Witness reviewing document.]

Mr. BURTON. While he is reading that, could Mr. Marceca also read it, because there is a comment in there about him as well.

Mr. MARCECA. My attorney asked if we could get a copy, Mr. Burton, please.

Mr. CLINGER. We are providing you with a copy.

Mr. BURTON. For your counsel's information, on page 6 of that deposition, it might speed up the process—

Mr. LIVINGSTONE. I am sorry, I was reading. I didn't hear it.

Mr. FATTAH. Is this a 2-page deposition or a 6-page deposition, Mr. Chairman?

Mr. CLINGER. It is about 6 pages.

Mr. FATTAH. What we have just been handed out is 2 pages.

Mr. CLINGER. I would ask both you gentlemen if you can confirm or deny the allegations made by Mr. Casey in that deposition.

Mr. MARCECA. Shall I go first, Mr. Chairman?

Mr. CLINGER. Please.

Mr. MARCECA. Regarding Mr. Casey's statement, I can find a lot of things that I can question in there such as his allegation that we used an office in South Carson Street. We used Pete Flaherty, who was County Commissioner's office, so that begins to be patently wrong. I read here where he is accusing me of stealing money. I never stole money. I resent that allegation. It goes on and on.

Mr. CLINGER. We may want to ask you more specific questions.

Mr. Livingstone?

Mr. LIVINGSTONE. Mr. Chairman, first of all, this sworn testimony is of events that happened 12 years ago, and I have stated that I believe that was my first trip ever on a national campaign. All I recall doing there was working on crowd-building, some phone banks, and I was only there 7 or 8 days. This gentleman makes it seem like I had a house or apartment and lived and worked there. I don't recall any of these events. I don't believe they happened.

Mr. CLINGER. Or meeting Mr. Casey or anything else?

Mr. LIVINGSTONE. I am not going to rule it out.

Mr. CLINGER. You are basically saying that the allegations from that deposition are incorrect?

Mr. LIVINGSTONE. As he lays them out, I don't believe they happened, sir.

Mr. CLINGER. All right.

The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Thank you, Mr. Chairman.

You know, this series of hearings has been enlightening to the extent that it shows us what this Congress is capable of if we are persistent, if we are determined enough. We can truly destroy people if we choose to use the bully pulpit that is available to us.

Mr. Livingstone, and to some extent, I guess, Mr. Marceca, have now been depicted in a way that no one would touch them. Mr. Livingstone for better or worse, I am sure, is going to have difficulty ever getting another job. His reputation has been smeared more than anyone I can imagine. We have done a hatchet job on him.

I learned that it is very easy to believe what you see on paper. It seems irrefutable. I saw the Justice Department information on Mr. Dale, and I believed it. It was pretty damning stuff. But then I heard from some people who were familiar with Mr. Dale, who had no axe to grind and found that there in fact was an explanation and that Mr. Dale was nothing like the person that was depicted in that Justice Department investigation.

We could take that material right now and put it before us, read it out loud, and again ruin Mr. Dale's reputation, because there is no balance to it. I am reading this stuff, this stuff looks awful. On the other hand, perhaps having learned a little bit from the experience with Mr. Dale, I have talked to some people who were in the White House with Mr. Livingstone; they have a different point of view about Mr. Livingstone.

I don't know—I don't know him from Adam, but I have to say I am a little more chastened and a little more inclined to try to get a balanced point of view. I told you—let me mention, too, the first thing that you came up with, Mr. Chairman, starting these hearings was asking Mr. Livingstone whether or not he had worked in various campaigns as though that was some embarrassing information.

I don't think that there is a staff person, the staff people surrounding the room here, who has not worked on various Presidential campaigns. I don't think there is one of us—there are probably some people in the audience that have not worked on various campaigns. And, in fact, I have to say I respect Mr. Livingstone for having a little more discerning judgment in which campaigns he has chosen to work than in some others, but obviously that is coming from my perspective.

There is nothing wrong with working in campaigns. And even if some of this stuff proved true, we are talking about a young man who gets involved in politics—and I don't think there is one of us that has not had some form of opposition research done. That is part of politics. It is not the part that we brag about, but it is part of politics. That in itself is not necessarily damning.

I don't think there is any effort to get any balanced perspective here, Mr. Chairman. I told you what I thought was the purpose of these hearings.

The purpose was to get a headline like this: "Nussbaum Obtained FBI File on Dale," banner headlines in the Washington Times. It goes on to say that White House Counsel Bernard Nussbaum sought and received confidential FBI background material on the fired Travel Office Director 7 months after he was ousted.

It says, Representative Clinger, Chairman of a House investigating committee, said Mr. Nussbaum's actions indicate the White House abused its power over the FBI, sought dirt on the fired employees long after they were removed.

We can only conclude that the White House Counsel was looking for some mud to sling at Mr. Dale to try to justify outrageous conduct and so on.

We have now heard from Mr. Nussbaum under oath; he had no knowledge of what was going on, he didn't try to get these FBI files. His name was on a form, the same form that had been used by C. Boyden Gray. But we have information that has been contorted to prove a point. I have to say, I think that is the principal purpose of these hearings, to smear anyone that we can get our hands on.

There are three questions we need to determine, and I do think there is a difference between malfeasance and misfeasance here, and there may have been some misfeasance. But what this committee needs to determine, one, whether there was any criminal wrongdoing committed; two, whether there was the intent to commit any criminal wrongdoing; and three, whether anyone acted unethically. Beyond that, whether there were problems in management, deficiencies in process, and so on, doesn't seem to merit all the time and attention that we have devoted to these Travelgate hearings, now called Filegate. We have our witnesses under oath.

Let me ask Mr. Livingstone and Mr. Marceca, did you intentionally commit any wrongdoing whatsoever with regard to the summaries of the FBI files that you were attempting to obtain?

Mr. LIVINGSTONE. No, sir.

Mr. MORAN. No wrongdoing?

Mr. MARCECA. No sir.

Mr. CLINGER. The gentleman's time has expired.

Mr. MORAN. I ask unanimous consent just to complete, to take another minute.

Mr. CLINGER. We have not allowed others to exceed the time limit, but is there objection?

No objection has been heard.

Mr. MORAN. There was objection?

Mr. CLINGER. No objection.

Mr. MORAN. All I want to do is to ask you was there any intent to commit wrongdoing and did you in fact use any of that confiden-

tial information that you found in any way that was deliberately meant to embarrass any individual that was included in that list?

Mr. MARCECA. I did not misuse any information, sir, and it was not intentional.

Mr. LIVINGSTONE. No, sir, and I am not aware of anyone doing so.

Mr. MORAN. We have it on the record, sworn testimony that there was no wrongdoing. Now we need to determine why we are having these hearings.

Mr. CLINGER. The gentleman did mention my name in connection with my opening series of questions, and I would assure the gentleman that I in no way intend to impugn people's activity in political affairs. I was suggesting people who are engaged in partisan political activity should not then be put in charge of reviewing files from the opposition.

I now recognize the gentleman from Virginia, Mr. Davis, for 5 minutes.

Mr. DAVIS. Let me just note that the headline, "Nussbaum Obtains FBI File on Dale," really was the result of documents, a document that was produced subject to a subpoena from this committee and at first an exertion of Executive Privilege from the other side and then a contempt citation. This was not volunteered. We had to work very hard to get that. That was produced from the White House and the media is then going to construe it as they want. That wasn't the object here.

Mr. NUSSBAUM. Can I comment on that?

Mr. DAVIS. I will give you a chance. I have a document here, 000083, that I think I want to understand. It says, previous reports were—

Mrs. COLLINS OF ILLINOIS. Mr. Chairman, we don't have that document.

Mr. DAVIS. I have 5 minutes.

Mr. CLINGER. We will give you additional time.

I believe that document should be available to all sides.

Mrs. MALONEY. We don't have it.

Mrs. COLLINS OF ILLINOIS. They have all these documents here and somebody snatches out a document and tells the witness—we want time to pull it out.

Mr. DAVIS. I just want to understand it.

At the top I think it is supposed to say everyone before 1988, do you see that at the top left? Could you explain what that—does that mean they have not had a file before that time?

Mr. MARCECA. Yes, sir. What this is is a list that I believe I made up and sent up to NSC, and I referenced that these folks all had had previous backgrounds, previous to 1988, and that they needed to tell me if they were still on staff, if they were not on staff, they needed to tell me that so I could close those files. If they were on staff, I needed to get SF-86's from them so I could do an investigation.

Mr. DAVIS. So this was a request from you before you requested files from the FBI to see if you needed to update your list?

Mr. MARCECA. No, sir. This is like a progress report after I had gotten the previous investigations, and from those previous investigations, which is the only way I could find out when the last in-

vestigation was was from the previous investigation, I had to have that. Therefore, when I got the previous investigations, I then determined when their last investigation was and that is what these dates mean, sir.

Mr. DAVIS. Are you saying you wouldn't have gone ahead—the only limited use you would have had for the file was to see when the previous investigation was completed and before you go through them again you wanted to see if they were still on staff?

Mr. MARCECA. Yes. What I did is when they came in I put the date of the last investigation on that file and I knew by glancing at it that they needed to be updated.

Mr. DAVIS. I notice this is a list A through Z. A lot has been made over the A through G list. Could you explain briefly the differences?

Mr. MARCECA. As I said, this particular group, NSC, the day I went into the White House was completed, the files were completed, completely made up and they were sitting in a file bin. All I did with those was take those in order. I believe I ordered the SBI's on those.

Mr. DAVIS. I guess the question is why didn't you check that they were there before seeking their files instead of after?

Mr. MARCECA. You have to read that in conjunction with 124, if you don't mind.

Mr. DAVIS. What is 124? Is that another document?

Mr. MARCECA. It is available to you.

Mr. DAVIS. I have it.

In reading them together, what do we find out?

Mr. MARCECA. This is my request through Mr. Livingstone to NSC, asking if they would check this list and tell me when the separation date is, and if they are still there, to tell me that. It would be helpful for our files to contain the date of separation.

Mr. DAVIS. Is that A through G, the second list?

Mr. MARCECA. Yes, sir.

Mr. DAVIS. I think I understand what you are trying to do and how it was done, but you had the files first and later on decided we need to look at these files for an update or not. The reason you did that is that you wouldn't have known the date of their last check.

Mr. MARCECA. Yes, sir. My purpose was to get these folks updated.

Mr. DAVIS. Who authorized this Operation Update?

Mr. MARCECA. That was my instructions when I went on detail.

Mr. DAVIS. But who authorized you to go ahead with Operation Update? Where did that authorization come from?

Mr. MARCECA. I believe I was directed by Mr. Livingstone.

Mr. DAVIS. Mr. Livingstone, did you authorize—was this your own initiative or did someone ask you to move ahead with Operation Update?

Mr. LIVINGSTONE. If I might, Mr. Davis, it was called the Update Project. That was a term that the previous administration—in fact, they had a file on it the day I started on work that Ms. Gemmell had begun of the long-term employees.

Mr. DAVIS. Was this your own initiative?

Mr. LIVINGSTONE. I was trying to say, when I arrived in the office there was a file and Ms. Gemmell had started the project and we completed the project to the best of our ability as per her instructions.

Mr. DAVIS. So she had started it and you were finishing up her work; is that your testimony?

Mr. LIVINGSTONE. Yes, sir.

Mr. DAVIS. I am still not clear on some questions Mr. Shays asked. In terms of moving your job from the Inaugural Committee to the White House, who hired you at the White House? Do you know who made the actual decision to hire?

Mr. LIVINGSTONE. I realize that there is some element of mystery here.

Mr. DAVIS. There is, because if somebody hires me at the White House, I want to know who to thank and who made the decision.

Mr. LIVINGSTONE. I am sorry; who to thank?

Mr. DAVIS. You wanted the job in the White House. Did you talk about other jobs in the White House to people?

Mr. LIVINGSTONE. I don't know how it was in your campaign, but as campaigns evolve, some people get jobs, some people don't. I did advance, as I stated, as I recall it, and this might not be correct, but as I recall it, I spoke with Ms. Christine Varney who introduced me to people in the Counsel's Office, one of which I recall was Ms. Cheryl Mills.

I had a brief conversation with Ms. Mills about the job, and she described the job to me as largely administrative. She didn't think that she was going to be overseeing the office but someone very soon would be appointed. As I understand it, from my recollection, Mr. Kennedy was then appointed.

Mr. DAVIS. You were on the job before he was appointed?

Mr. LIVINGSTONE. That is correct.

Mr. DAVIS. Who told you to come to work there?

Mr. LIVINGSTONE. That is a reasonable question, and I wish I had an adult answer to give you, but it was a long time ago. As I recall it, I was asked to report to Ms. Cheryl Mills' office at the first week or so of February.

Mr. DAVIS. Had you ever talked about other jobs in the White House with Harry Thomason or other people in the military office—it wouldn't have been out of the ordinary?

Mr. LIVINGSTONE. I recall talking to Harry Thomason about a job.

Mr. DAVIS. Anybody else you talked to about potential jobs?

Mr. SCHIFF [presiding]. I will have to ask you to wrap up.

You may answer the question.

Mr. LIVINGSTONE. This happened 3½ years ago, and I want to try and be precise. I am sure that I talked to any number of people that I had worked with at the campaign, that then worked at the White House, about employment with the Government or at the White House, several people, I am sure.

Mr. DAVIS. Can I follow up? Not trying to be evasive, is there anyone else—

Mr. SCHIFF. The gentleman's time has expired.

Mr. DAVIS. I want an answer.

Mrs. COLLINS OF ILLINOIS. Regular order, Mr. Chairman.

He asked the question and he asked another question. I object because——

Mr. SCHIFF. Regular order, please.

Mr. FATTAH. I am not going to object, but I want to point out——

Mr. SCHIFF. Just a moment here.

The gentleman's time has expired.

The Chair recognizes——

Mr. FATTAH. Mr. Chairman, I want to make a unanimous consent that he have the time, but I want to remind the Chair that Mr. Moran just asked for additional time and got it.

Mr. GREEN. Mr. Chairman, I would be glad to let some of my time be used for him to answer the question.

Mr. SCHIFF. Can we have regular order please, or we are not going to proceed.

The objection the Chair heard a moment ago from the lady from Illinois was withdrawn.

Is there objection to the witness being given extra time to finish his answer?

Hearing no objection, Mr. Livingstone, you may proceed.

Mr. LIVINGSTONE. Yes, sir. I am not trying to be evasive as all. As I stated, I worked on the Inaugural Committee. By all accounts, people thought I did a good job, the Secret Service staff, so I am sure that I talked to any number of people—in fact, giving me a chance to think about it, I remember filling out a form that all of us were asked to fill out at the Inaugural Committee, and also after the election, of where we would like to work and things like that. So yes, there were several occasions where I talked to people either in Presidential Personnel or at the White House.

Mr. SCHIFF. I think the gentleman has given such answer as he is going to give.

The Chair now recognizes for 5 minutes the gentleman from Texas, Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman.

Ms. Wetzl, in reading your testimony, and you started out as an intern and have gone up to Executive Assistant by the fall of 1994, one of the confusions I think I hear from my own constituents is concerning the release from the Secret Service which has said that their list that they provided was not compatible with the original 400.

In your testimony, you talk about Tony, talking about Mr. Marceca, that was doing the Update Project, and that is the original 400 list; is that correct? We had the Update Project with the updating of the older names, that the White House needed to have the FBI files checked; is that your testimony?

Ms. WETZL. I did not examine Tony's list in detail. I saw it. It was on a green and white paper that was from the Secret Service.

Mr. GREEN. OK. And that was called the Update List?

Ms. WETZL. No, it was called the Secret Service list, actually. It was actually called the Secret Service list. The project that Tony was working on was the Update Project; if that is your question.

Mr. GREEN. That is what I was trying to get.

Today we hear there were more names than just 400, but the original 400 names on the Update Project.

Ms. Gemmell, who testified last week, she was your supervisor, and I guess everyone's supervisor. She was the only carryover from the previous administration; is that correct?

Ms. WETZL. In the hierarchy of the office, she wasn't necessarily everyone's supervisor, but she was the institutional memory of the office, and so therefore we took our direction from her.

Mr. GREEN. And your direct superior was Mr. Kennedy or Mr. Livingstone or Ms. Gemmell at that time when you were hired, before she retired?

Ms. WETZL. I took direction from Mari Anderson and from Nancy Gemmell. My supervisor was Craig Livingstone.

Mr. GREEN. Mr. Livingstone, I know you want to try and answer that.

Mr. LIVINGSTONE. I hope that I can help clear one thing up; you and many other people talked about your constituents being confused on this A-through-G thing and the Secret Service comments about this could not be our list. It never was their list.

The list that you are referring to, an A-through-G list, is merely a list that Ms. Wetzl processed from files that she went to archive. None of us ever said or purported that was a Secret Service list.

What we have always talked, sir, about, is that the Secret Service list is a printout that we got from the U.S. Secret Service. I have said today and I know there are many others besides me, career people that have been there for 12 years that will dispute day to night the Secret Service statement; initially I heard it was never wrong, then I heard it was 3 days updated, and then I heard it was 30 days updated. It is simply not true.

It was often wrong. It often listed people like Mr. Baker in 1994 as being an active pass-holder on their list. That is a fact.

Mr. GREEN. Ms. Wetzl, the did you ever see James Baker on one of those lists when you were working on it?

Ms. WETZL. I don't recall. I saw many names that I didn't recognize.

Mr. GREEN. Also on a daily basis, Mr. Livingstone, as Office of Security Personnel, what were your duties? It has been reported, and we hear not only depositions or sworn statements, but also press reports, and did you have a day-to-day, hands-on operation with Ms. Wetzl and the staff there at the Office of Security Personnel?

Mr. LIVINGSTONE. I believe that I did, sir.

Mr. GREEN. I know one of my colleagues asked you the other concern I hear, and it—you may have at different times used classified information or privileged information from someone, whether it be an FBI report or an IRS; again, that is something that is recent. Is it your testimony that you never engaged in any horseplay or kidding with someone by saying, by the way, I looked at your report and I know about whatever problem they may have?

Mr. LIVINGSTONE. To be precise, I have never testified, nor have I shared classified or—materials. I think what I testified to is that I was admonished early in the administration for approaching a staffer, and I believe what I said, was everything is finished with your permanent pass. We have all your materials but let's make sure you don't set off any fire extinguishers here at the White House. That related to information in her file that she had per-

formed, as I recall, a sorority prank, or something like that. It wasn't intended to be—

Mr. GREEN. That is the only incident that you have ever been admonished for at the White House about any horseplay or kidding, sharing information that you had about someone's personal life?

Mr. LIVINGSTONE. Let me say that I didn't share that information. I was talking to the individual. In my mind's eye, I didn't mean to be flippant about it. It was my way of letting her know—as I recall, it was fairly recent, and I realize now that it was a stupid thing to say. And I was admonished and did my best not to do that again.

To help you out and other members of the committee, sir, there are many people who I had to meet with to talk about very difficult issues, some of which, I am sure, were not happy with the fact they had to talk with me about them. But at no time do I feel that I ever betrayed anyone's confidence or materials with other individuals at any time about information that was imparted to me.

We had to talk about tax issues and marital issues, or whatever. I won't go into details because I respect people's privacy, of course, but I can see how you might rub somebody the wrong way.

I ask you to remember, to be polite, sir, I would ask you to remember that in that first year at the White House there was—we were getting a lot of things done, worked with a short staff and we made a few mistakes. Obviously, that is why we are here today.

Mr. SCHIFF. The gentleman's time has expired.

The gentleman from Indiana, Mr. McIntosh, is recognized for 5 minutes.

Mr. MCINTOSH. Who authorized Project Update, Mr. Livingstone?

Mr. LIVINGSTONE. I am sorry.

Mr. MCINTOSH. Who authorized Project Update?

Mr. LIVINGSTONE. As I stated earlier, sir, the project is referred to as the Update Project.

As I testified a few minutes ago, that was a project that was already ongoing when I got into the office, when I reported for work, by Ms. Nancy Gemmell, who was an employee of the Reagan and Bush administrations.

Mr. MCINTOSH. Who authorized its continuation after you came on board in the office?

Mr. LIVINGSTONE. Ms. Gemmell explained to me that this was a standard operating procedure for the office and that we needed to continue it.

Mr. MCINTOSH. So you didn't discuss the Update Project with Mr. Kennedy or anyone in the White House Counsel's Office?

Mr. LIVINGSTONE. I wouldn't have believed at the time that there was reason to do it.

Mr. MCINTOSH. So the answer is no?

Mr. LIVINGSTONE. To the best of my ability, no.

Mr. MCINTOSH. Why was Project Update given priority over other clearances, hiring a special detailee to come in and work on it, when you were behind on clearances for some of the new staff?

Mr. LIVINGSTONE. The Update Project, sir, was not given a special priority. If anything, it was given a lower priority because we knew that these were individuals who had been cleared by both counsel, albeit a previous counsel, and the Secret Service. There-

fore, we had no reason to believe that these people were threats or had problems that weren't previously resolved.

Mr. MCINTOSH. Did Mr. Marceca have other responsibilities in addition to the Update Project?

Mr. LIVINGSTONE. I believe that he has testified to that. I know of several of them.

Mr. MCINTOSH. And this was given a low priority among all the things he was working on?

Mr. LIVINGSTONE. I don't know that it was given any particular priority at all, sir. You inferred that it was given a special priority and that is why he was brought on. That is simply not the case.

Mr. MCINTOSH. I was using your words, low priority.

Switching subjects, are you familiar with the White House Office Data base?

Mr. LIVINGSTONE. Not very familiar. If you could refresh my memory what it is.

Mr. MCINTOSH. I might ask the staff to bring you a copy of a Washington Times article which describes it in great detail this morning. It is apparently a data base of people who had appointments or were contacted by the White House on issues. Some people referred to it as "Big Brother." Does that refresh your memory?

Mr. TURK. Can we get more than one copy of this?

Mr. MCINTOSH. You are welcome to go buy a copy of the Washington Times if you want.

Mr. WISE. Point of order, Mr. Chairman.

If we are going to question a witness on an article——

Mr. MCINTOSH. My question to the witness is, is he familiar—and I would ask for additional time because of the interruptions—is he familiar with the White House Office Data base; that is my question?

Mr. TURK. You want to question him on this article.

Mr. MCINTOSH. My question is is he familiar with the White House Office Data base?

Mr. TURK. I believe he answered that question.

Mr. MCINTOSH. Would the witness repeat his answer? I missed it.

Mr. LIVINGSTONE. I am not familiar with the White House Office Data base system as you describe it.

Mr. MCINTOSH. Are you familiar with anything that is known as Big Brother or White House Office Data base, with the initials WHODB?

Mr. LIVINGSTONE. To answer the first part of your question, I am not familiar with anything at the White House that would be called Big Brother.

The second part of your question?

Mr. MCINTOSH. Anything that was known as the White House Office Data base or WHODB?

Mr. LIVINGSTONE. I think you asked me that question before and I said I am not familiar with it.

Mr. MCINTOSH. You are not familiar with it?

Mr. LIVINGSTONE. As you described it.

Mr. MCINTOSH. Did you have a computer in your office that was tied into other computers in the White House?

Mr. LIVINGSTONE. I have a computer in my office that is tied in what is called All-in-one for e-mail and calendars, that kind of thing.

Mr. MCINTOSH. Through that computer did you have access to any other data bases in the White House that might contain information about persons seeking access in the White House?

Mr. LIVINGSTONE. I think that question might be better posed to Ms. Wetzl. And I don't mean to put Ms. Wetzl on the spot in any way. There is a program that we use called Security Tracking, which is part of a data base program.

I am not trying to be difficult with you. I am just trying to be precise.

We use that program for security tracking, but that's not something that I used. Ms. Wetzl and other people in the office used it for the purpose solely of updating security files.

Mr. MCINTOSH. And that alternative program was on a separate computer that was not hooked into All-in-one?

Ms. Wetzl, you might know that.

Ms. WETZL. Oh, thank you.

The Security Tracking system we could get in—we obviously got into it on the same personal computer as we got into All-in-one. However, nobody shared that information outside of our office, except the Executive Office of the President Security Officer, Chuck Easley. He also uses a Security Tracking system. However, our files, our White House files, are not available to him through that system.

Mr. MCINTOSH. Could others using All-in-one have access to the Security Tracking system?

Ms. WETZL. I do not believe so, no.

Mr. MCINTOSH. So to the best of your knowledge, the security that was built into All-in-one should not allow them to have access to your Security Tracking system?

Ms. WETZL. The Security Tracking system was run by computer people in—the Executive Office of the President security people had to apply for a special account to even have access to it and have a password, and as far as I could tell, it was strictly monitored and that no one had access to it outside of our office.

Mr. MCINTOSH. But you were able to get access to it through the same computer that also allowed you to have access to All-in-one?

Ms. WETZL. The same personal computer? Yes.

Mr. MCINTOSH. OK. Did the same software program that allowed you to have access to All-in-one also allow you to have access to this Security Tracking system?

Ms. WETZL. I am trying to remember. I left working there in September. But as far as I know, they were different software packages, but I could be wrong.

Mr. SCHIFF. The gentleman's time has expired.

The Chair has received numerous requests for a break at this time; and I have consulted with our ranking minority member, the lady from Illinois; and I am going to call a recess until 5:05. That is about 13 minutes.

I am going to ask all the participants, particularly the witnesses and next members whose turn it is to question, to respect the 5:05

so we can get back started on time. With that, the committee will be in recess for about 13 minutes.

[Recess.]

Mr. CLINGER [presiding]. May I ask the witnesses to please resume their seats at the witness table, and we will reconvene the hearing.

Do we know where Mr. Livingstone has gotten to?

Mr. LIVINGSTONE. I apologize, Mr. Chairman.

Mr. CLINGER. The committee will resume sitting, and the Chair now recognizes the gentlelady from Florida, Mrs. Meek, for 5 minutes.

Mrs. MEEK. Thank you, Mr. Chairman.

First, I want to thank you for calling these hearings with the possibility of bringing to light what has gone on in the White House with the FBI files and others.

I have been here since 10 this morning. I have listened to each of you, and I came in here with a different feeling about this hearing than I have now. As one who believes in fairness and fair treatment for everyone, I'm somewhat embarrassed by this hearing today, and, knowing that our system demands fairness at all times, I have seen our witnesses become beleaguered by the onslaught of questions. Many of them make sense, and others are "ill-sensible," if there is such a word as that. And I appeal to whatever conscience I have that I will try—even though I may not agree with either one of you as a witness, I respect your right to try to answer.

I don't think that you are on trial here today. That happens too often. But what I do see is that the way you have been sort of plummeted about by unfair questions that were not relevant at all to this hearing, and placed under all kinds of attack on your personal integrity, leaves me very uncomfortable.

First of all, everyone in this room—I want to know what the word "campaign operative" means. I hear a lot of this kind of stuff in Washington. You know, you have your own linguistic system here, and one of these bandied-about words is "campaign operative," and it's used in a very negative way, and I'm hoping that because each of us has in some way or the other worked in campaigns and been supportive of campaigns, that that term will not be applied to any of the rest of us as a political operative.

We have spent the major part of this day asking questions over and over. It has been like a round robin. One group of Congresspeople would come in and they would ask questions, and the same ones would come back and ask the same question. So over and over. If they are looking for validity or some veracity on the part of each one of you, how could you answer five different questions asked by five different—not five different, the same questions asked by five different Congressmen?

So I think that that is one thing that bothers me about the unfairness of it. We don't have the right, as I feel it, to interrogate the way we have done. I am one of the few on this committee that don't have a law degree, and I'm damn proud I don't have one, all right? I am proud, because it makes you feel more powerful than I am, and you are not. It gives you some lust and some power. So I just want to say, I am not a prosecuting attorney but I do want you to be treated fairly.

Now, the first thing I have observed, anyone who has had one course in administration of supervision would know that some management errors have occurred here. Now, we didn't need to subpoena Mr. Nussbaum or this lawyer here, Mr. Kennedy, to find that out, that there has been a gross miscalculation in terms of mismanagement, and you didn't need to have a Ph.D. to know that.

But what is here, as I see it, is that this mismanagement has occurred because there has been no continuity of methodology from one administration to the other. No one has sat down and written any kind of manual or procedures to say, "This is the way you handle this, this is a high security matter," and will have that manual so everyone can see it, and you wouldn't need to listen to Ms. John or Ms. Sue, who is leaving and left and someone is coming back, because you would have a manual that had some kind of continuity. I don't see that.

I see that a lot in Washington, in the political arena. Having come from higher education, I don't see that kind of fragmentation when it comes to trying to get something done.

And the way the hearings were conducted, it has been—I'm satisfied that the truth will come out sooner or later, whatever that truth is. You have given your side, and we have talked about our side, but I'm not here to judge whether you are right and we are wrong.

So I am saying, this hearing should be getting at the fact that, No. 1, a big error has been performed here. Each of you has admitted that that is a big error.

Now, I just don't know all this ground over who hired whom. We could be here ad nauseam and never find out who did what to whom. So I wish we could get at the issue, and that is, in the future, let's stop this; let's do this in a more organized fashion. Either we put something in the statutes—and I do believe in the statutes, Mr. Nussbaum, because I don't know who is going to be here 3 or 4 years from now, and I don't know just how they are going to conduct these kinds of things. We don't want people handling the FBI files who are not qualified to do it.

I would like to see the security statute that our chairman talked about having to do with Presidential whatever it was, that you not send FBI files to the Archives. Why not have some statutory enablement to send them back to the FBI? But if that isn't put in a paper somewhere, in print, it will never be done.

And also, this legislation, Mr. Chairman, should encompass who should handle security files, and that is not present here today. I don't think anyone is qualified to handle them unless so stipulated by either the statutes or—I would not put it in the hands of someone who may not be here 4 years from now.

The other thing, I think the White House has admitted, and well they should, that the management here, they would receive an F on it and not an A. But that doesn't mean that we have a bunch of criminals sitting here at this table. We don't have a bunch of felons. We don't have a bunch of people who have broken the law. We have some people, because of a lack of credible information, did not do the job in handling these files.

And this thing about interns, that is the worst transgression I have ever heard, handling FBI records. We shouldn't have that. So we need some guidelines in this, Mr. Chairman.

Mr. CLINGER. The lady's time has expired.

Mrs. MEEK. Since I have been here since 10 this morning, I would ask unanimous consent to say one more thing.

Mr. CLINGER. Mrs. Meek, it is sort of—the ground rules are that if you get a question in before the red light goes on, you get the question answered, but if you are over the time and get the question after the fact, you don't get the extra time. So I am going to reluctantly, I think—

Mrs. MEEK. Mr. Chairman, I know you are the chairman, but you have had a little piece of everything someone had to say on this committee today. You asked—

Mr. CLINGER. Thirty seconds, Carrie, 30 seconds. Thirty seconds.

Mrs. MEEK. And, Mr. Chairman, you have the prerogative.

Mr. CLINGER. Thirty seconds.

Mrs. MEEK. All right. I want to know from the two lawyers, what do you think of my suggestion that we put something in the statute that statutorily sets the procedure? What you are lacking here are policies and procedures.

Mr. NUSSBAUM. You really want an answer from the lawyers?

Mrs. MEEK. Yes.

Mr. NUSSBAUM. As I said to Congresswoman Maloney before, with all due respect, Congresswoman, I really would go slow on passing statutes with respect to this issue. I think you should give the new procedures created by the White House counsel, Jack Quinn, and by the FBI director, Louis Freeh, a chance to see if they, you know—if they solve some of the problems which have been created.

So I personally at this time would be opposed to new legislation. Obviously, if they didn't solve those kind of problems, then I would favor new legislation.

Mrs. MEEK. Mr. Chairman—

Mr. CLINGER. The gentlelady's time has expired.

The Chair now recognizes the gentleman from Michigan, Mr. Chrysler, for 5 minutes.

Mr. CHRYSLER. Thank you, Mr. Chairman.

Mr. Livingstone, who hired you?

Mrs. MEEK. See what I mean.

Mr. LIVINGSTONE. Mr. Chrysler, I believe I have answered that question.

Mr. CHRYSLER. Tell me.

Mr. LIVINGSTONE. Well, for what I believe is the fourth or fifth time, sir, I believe that I was brought into the White House and as White House Counsel's Office was being set up and roles were being determined, sir.

Mr. CHRYSLER. I am just looking for a name.

Mr. LIVINGSTONE. I believe that Mr. Kennedy was the ultimate person who decided that I stay at the White House.

Mr. CHRYSLER. Mr. Kennedy, you know, you testified earlier that you would take responsibility for hiring Mr. Livingstone, even though he was there before you began working at the White House. Is that right?

Mr. KENNEDY. Yes, Congressman.

Mr. CHRYSLER. In the sworn deposition testimony to this committee this month, you testified that Mr. Livingstone had some background problems?

Mr. KENNEDY. I said there were some issues in his background, yes.

Mr. CHRYSLER. Mr. Kennedy, you were aware that in November 1993, while Mr. Livingstone was working for you in this very sensitive position, that there was a police report which involved Mr. Livingstone threatening to punch in the face of a young woman in his neighborhood?

Mr. KENNEDY. Sir, I was unaware of that incident until press reports that appeared concurrent with these hearings.

Mr. CHRYSLER. When you were asked why you didn't replace him, your statement was, "No, first of all, it wasn't my decision to make." And then you go on to say, "The background problems weren't killers." The question is: Weren't you Mr. Livingstone's immediate supervisor?

Mr. KENNEDY. At what point in time, Congressman?

Mr. CHRYSLER. At the time of that incident, November 1993.

Mr. KENNEDY. I just testified, Congressman, that I didn't know about that incident until press reports concurrently with these hearings.

Mr. CHRYSLER. So he didn't tell you about it when it happened?

Mr. KENNEDY. No, sir.

Mr. CHRYSLER. OK. And so let's go on then.

Mr. Livingstone—Mr. Kennedy, you resigned from the White House staff?

Mr. KENNEDY. I did.

Mr. CHRYSLER. And, Mr. Nussbaum, you resigned also from the White House?

Mr. NUSSBAUM. Yes, Congressman.

Mr. CHRYSLER. And, Mr. Marceca, you were denied a second detail to the White House because of some background problems?

Mr. MARCECA. I'm not sure that that's quite accurate, sir.

Mr. CHRYSLER. OK. And Mr. Marceca and Mr. Livingstone, Dennis Casey, you have had time to read his sworn statement at this time?

Mr. MARCECA. I glanced at it.

Mr. LIVINGSTONE. I perused it.

Mr. CHRYSLER. Are the facts that he stated about you true?

Mr. LIVINGSTONE. I have answered that question, sir.

Mr. CHRYSLER. Are they true?

Mr. LIVINGSTONE. I answered the question before, but I will happily tell you again.

As I recall, I was in Pittsburgh for a total of 7 days. After that, I worked until the end of the campaign and was hired again by Mr. Hart to help co-produce his next Presidential bid. So my recollection of those events was that I was neither removed from the State nor fired from the campaign. That's the recollection that I have, sir.

Mr. CHRYSLER. And Mr. Marceca?

Mr. MARCECA. He has got the wrong guy. It's not me that he is talking about.

Mr. CHRYSLER. It's not you.

You know, we have—I heard a little boy on a radio one time say that, “I love my country, but I fear my Government.” And, you know, we have heard a lot of talk today about statements about the chairman and, you know, smearing people here. And I think, in fact, the 700 files, or whatever that number of files is going to end up being, is really the smearing that’s gone on to those 700 innocent people, with an abuse of power of using their files and abusing their files and having their files when they shouldn’t have them, and I think the people here really have impugned themselves in not necessarily—there is nobody impugning them.

Let me go back to Mr. Kennedy again.

You testified in your deposition that, “It wasn’t my decision to fire him.” Yet your responsibility—you are responsible for his job because you hired him. If not you, who could have fired Mr. Livingstone, Mr. Kennedy?

Mr. KENNEDY. Congressman, I don’t have a copy of my deposition. I have never had an opportunity to review it. You keep using the pronoun “him.” Who are you referring to?

Mr. CHRYSLER. Mr. Livingstone.

Mr. KENNEDY. OK. Can you read this again?

Mr. CHRYSLER. Yes. You testified at your deposition that, “It wasn’t my decision to fire Mr. Livingstone.” Yet your response—you are saying you are responsible for his job and you hired him. And if you are not responsible for him, then who is? And who could fire him?

Mr. KENNEDY. Well, Congressman, Mr. Livingstone has never been fired.

Mr. CHRYSLER. I know he hasn’t been fired. But because of his background problems that you acknowledged in your deposition, you said you couldn’t fire him. Who could? My question is, who could?

Mr. KENNEDY. Out of simple fairness, can I see what you are reading from?

Mr. KANJORSKI. Point of order, Mr. Chairman. Am I understanding that the witnesses are saying that their depositions were taken and these witnesses never had an opportunity to read those depositions?

Mr. MARCECA. I haven’t, Congressman.

Mr. KENNEDY. Absolutely not, Congressman.

Mr. KANJORSKI. What kind of order of procedure is this committee operating on? I have never seen a Federal court allow, or a district court, or a commonwealth court, or a State court, ever allowed depositions where the deposed individual was not allowed to read the deposition and certify whether or not, in his opinion, it was true and correct. Now, have we waived those type of protections for individuals?

Mr. MARCECA. Congressman, I did have a chance—I was briefed on mine.

Mr. KANJORSKI. Briefed by whom?

Mr. MARCECA. My attorney. My attorney reviewed it.

Mr. KANJORSKI. The reason I am raising the question now, to hear you haven’t seen them, I know I haven’t seen them. I don’t think anybody on the minority side has ever seen them.

Mr. CLINGER. The gentleman's point of order is overruled. As I understand it, all of the witnesses have had an opportunity to review the depositions which they gave to the committee.

Mr. WAXMAN. Mr. Chairman, point of order. The witnesses have just told us they haven't seen their depositions to approve them.

Mr. KENNEDY. I do not wish to be——

Mr. CLINGER. They were given the opportunity to review their depositions.

Mr. KENNEDY. I do not wish to—I want to answer his question accurately, and I don't understand it the way he is reading it, that is all. I physically have not seen it. I was in Arkansas when I was subpoenaed. It was not flown down to Arkansas. I have not had a chance to review it. I will respond to his question. I don't understand it. I would like to see the pages. That's all.

Mr. KANJORSKI. Well, I would like to see them as a member of the committee. We don't get that opportunity, either.

Mr. CLINGER. I would tell the gentleman that those have all been made available to all the members of the committee. They have been made available to both sides of the aisle. The depositions were made a part of the record this morning.

Mr. KANJORSKI. The depositions were made available to this staff, Mr. Chairman? Am I understanding their keeping them away is our staff's fault?

Do you have our depositions, copies of them? How long have you had them?

Mr. CLINGER. As soon as the depositions are reviewed, they are made available.

Mr. KENNEDY. I don't see the precise words the Congressman used on the page. He may have been paraphrasing.

Mr. CHRYSLER. The precise——

Mr. KENNEDY. Can I get you to repeat the question?

Mr. CHRYSLER. It says, no—here, I will read it right out of your deposition.

Mr. KENNEDY. OK.

Mr. CHRYSLER. "No. First of all, it was not"—"it wasn't my decision to make."

Mr. KENNEDY. OK. First of all, Congressman, as you know and as I have stated earlier, I cannot discuss the precise issues that I was referring to. As I have also testified, when I arrived at the White House, Mr. Livingstone was identified to me as the person who was going to be the director of this office.

Mr. CHRYSLER. By whom?

Mr. KENNEDY. Vince Foster.

Mr. CLINGER. The gentleman's time has expired.

The Chair now recognizes the gentleman from Pennsylvania, Mr. Fattah, for 5 minutes.

Mr. FATTAH. Thank you, Mr. Chairman.

This hearing is not to look at any type of wrongdoing, because the Independent Counsel is looking at that. I assume, and I think it's fairly accurate, that at least the publicly stated reason for these hearings is because the Congress is outraged at the invasion of privacy that may have occurred because of FBI files inappropriately being sent to the White House.

It's fascinating to me that we would have a hearing concerning people's privacy rights and have—put witnesses under oath and ask about rumors of whether or not the First Lady and her husband may have had an argument or not and whether you know anything about that, since that has nothing to do with the subject matter at hand.

But given that there are important issues to be dealt with in terms of these files, let me try to walk through this as quickly as possible.

Mr. Nussbaum, just so that the public is clear and that the Congressional Record could be clear, when President Clinton got to be President, he didn't set up some special office somewhere for you to go get FBI files on Republicans?

Mr. NUSSBAUM. No. That would be—look, I said in my statement that would be repugnant to him.

Mr. FATTAH. Right. That didn't happen?

Mr. NUSSBAUM. No.

Mr. FATTAH. This Office of Personnel Security is in the business of producing files and FBI summaries and checking to make sure everybody who has access to the White House should have access to it. Is that correct?

Mr. NUSSBAUM. That's correct.

Mr. FATTAH. And that in January, when the President took office, because of an act of the Congress, all of the personnel files that existed had to be removed and taken to the President Bush's Presidential Library and Archives. Is that correct?

Mr. NUSSBAUM. That's correct. The White House is emptied out.

Mr. FATTAH. So not a single person, whether it was a groundskeeper or a phone person or anybody else, there were no files there. They had to be recreated, is that essentially the process that was going to be engaged in?

Mr. NUSSBAUM. That's exactly the process.

Mr. FATTAH. And that the forms that were used with your signature on them were the same forms used by the counsel for President Bush who had preceded President Clinton, and the same forms that President Reagan's White House counsel used? And they have testified before this committee that they never signed those. Those were preprinted forms.

Mr. NUSSBAUM. That's correct.

Mr. FATTAH. Are these the same forms that we are talking about?

Mr. NUSSBAUM. That's correct. They go back 30 years.

Mr. FATTAH. Now, Mrs. Wetzl, I have looked at these names and I am involved in politics. Most of these people, no one would ever recognize their names. There are a few names of some prominent Republicans that bounce up here and there. Are 5 percent of these names, 10 percent of these names, you know, people who just go to work every day at the White House or are 90 percent of these names people who were generally working at the White House in functions that were not involved in high profile political activity?

Ms. WETZL. Exactly what names are you talking about?

Mr. FATTAH. I am talking about of the 407 that have been referred to.

Ms. WETZL. The list that I created to archive the files?

Mr. FATTAH. Yes.

Ms. WETZL. I really can't comment on who those people were because I have no idea for the most part.

Mr. FATTAH. All right. So there are some instances in which very high profile Republican appointees show up. But for the most part these are names that anyone would have looked at and would not have been able to pull out from them that this was some special list.

Now, the point I want to get at here is that these are—because the suggestion is that there were 407 Reagan/Bush political appointees whose files were looked at. Some of these 407 were indeed Reagan/Bush appointees. Some of them were employees of AT&T who work at the White House on the phone systems. Is that correct?

Ms. WETZL. Are you again referring to the list I archived?

Mr. FATTAH. Yes, I am.

Ms. WETZL. The list I archived, I believe, only contained White House staff.

Mr. FATTAH. White House staff. Now, these are both career staff?

Ms. WETZL. And political staff.

Mr. FATTAH. And political appointees?

Ms. WETZL. Yes, mixed together, yes.

Mr. FATTAH. So I guess what I am trying to see is, because the suggestion that hovers over these hearings is that somebody, particularly somebody important, maybe in the White House, decided to get Mr. Livingstone and whoever he could round up into a basement office to look at Republicans and to look into their files. That is not what was going on in this office when you were there?

Ms. WETZL. Absolutely not.

Mr. FATTAH. OK.

Now, Mr. Livingstone, this again is a hearing concerning people's privacy and whether it has been violated. You will take note, I am sure, ironically, that anything and everything about you, particularly anything derogatory that one might be able to find, has been either leaked to the press or openly discussed in these hearings today. And I think that is very unfortunate since notwithstanding everything that has been said about how this might not have been handled the best way, none of—any of this information that may have been in people's files has been publicly disclosed and you have sworn under oath that none of it was misused.

And so I want to say to you that I think it is unfortunate the way some of this has been handled. And I want to give you an opportunity, just to state for the record one more time, whether or not any of this information that was inappropriately requested, was mistakenly requested from the FBI? Is that correct? This was a mistake that was made?

Mr. LIVINGSTONE. If you are referring to the—

Mr. FATTAH. The 407 that were on this list.

Mr. LIVINGSTONE. Yes, sir, absolutely, it was a mistake.

Mr. FATTAH. And these 407 are part of a larger group of people who you processed correctly through this office; is that correct?

Mr. LIVINGSTONE. Yes, sir. We have some 12,000 files.

Mr. FATTAH. So out of some 12,000, there were 407 that were incorrect. And of those 407, there is a small fraction, of whom are

some in this town big name Republican former Bush and Reagan appointees, a small number of whom were on that list. And the suggestion is you should have seen them.

And for the benefit of this mistake, you have now been wrongly, I think, characterized in the press and through many of the questioning in this committee as something less than what would have been expected to have this opportunity to serve in the White House.

I want to ask you whether or not you, in your work with the Inaugural Committee, did you get commended by the Secret Service for your work and was that part of your personnel file?

Mr. CLINGER. The gentleman may answer the question.

The time of the gentleman has expired.

Mr. LIVINGSTONE. Thank you, Mr. Chairman.

Thank you, sir, for your comments. I received not just a standard form letter from the director of the Secret Service. It cited specifically my special sensitivity toward their mission, and I interpreted that from comments that I heard later that without my vigilance in trying to educate the staff on the Secret Service's mission, i.e., trying to create events that could be properly protected by the Secret Service, an environment where political people could work with the Secret Service and vice versa, I believe that they gave me this special letter from the Director and also a plaque commending me on that work.

Mr. FATTAH. Thank you very much.

Mr. CLINGER. The gentleman's time has expired.

Mr. FATTAH. Thank you, Mr. Chairman.

Mr. CLINGER. The Chair now recognizes the gentleman from Minnesota, Mr. Gutknecht, for 5 minutes.

Mr. GUTKNECHT. Thank you, Mr. Chairman.

I just want to put it in perspective because he was here earlier—I don't know if he has left—as our colleague from Connecticut earlier said where this really all started was with the firing of the White House Travel Office. And worse than that, they were besmirched. And I am think—I preface these remarks because I think people need to understand, and I am not trying to be personally vindictive or vicious but let's just remind people of what happened to those guys. I mean, seven of them were fired. They were fired, you know, with disgrace. They were besmirched on national television. One of them had his daughter call him and say, dad, it isn't so.

In fact, two of them in the interim between the time they were accused of being crooks and the time that they were finally exonerated, two of them had to bury their fathers. OK? I think that is pretty serious. And their fathers went to their graves not knowing that their sons were not crooks. This is a pretty rough business, and they were treated pretty rough.

And I preface my remarks because I don't want to sound any more personal than I have to, but I think there are some serious questions that need to be raised. When people are taking highly sensitive files home, when they are allowing interns to go through highly sensitive material, I think those are pretty serious things.

I want to just say, first of all, Mr. Livingstone, I want to confirm, and I want to be as gentle as I can, that—and I don't want to be—

labor it—you admitted in your deposition that you had a drug problem. Isn't that correct?

Mr. LIVINGSTONE. No, sir. I have never admitted I had a drug problem, absolutely not.

Mr. GUTKNECHT. OK. So you did not have a drug problem?

Mr. LIVINGSTONE. No, sir.

Mr. GUTKNECHT. OK. Thank you.

Let me come back to another issue, then. Mr. Livingstone, did you ever ask Mr. Marceca—and frankly I want to distribute to all members and to be fair to the panel, a memorandum which was turned over to this committee just yesterday. I want to make sure they have a chance to look at it. But, Mr. Livingstone, did you ever ask Mr. Marceca to review any White House employees lawyers' responses concerning security background problems?

And I say this because you have both testified that your job was principally administrative, more or less paper shuffling.

Mr. LIVINGSTONE. Sir, I am quite sure I never said in my deposition that I had a drug problem and I resent greatly, you, in front of the national press, impugning that I do have a drug problem.

Mr. GUTKNECHT. Well, I am sorry. I will have to review the deposition.

Mr. LIVINGSTONE. And I apologize. I don't mean to—

Mr. BURTON. Would the gentleman yield?

Mr. LIVINGSTONE. I don't mean to yell at you.

Mr. GUTKNECHT. I would yield to the gentleman from Indiana for 30 seconds.

Mr. BURTON. As I understand in your deposition, you were asked if you used illegal drugs.

Mr. LIVINGSTONE. Yes, sir.

Mr. BURTON. And you said, that, yes, you had.

Mr. LIVINGSTONE. Yes, sir.

Mr. BURTON. You did not specify which ones.

Mrs. COLLINS OF ILLINOIS. What bearing does that have on this?

Mr. BURTON. Is that correct?

Mr. WAXMAN. Would the gentleman yield?

Mr. BURTON. Is that correct?

Mr. WAXMAN. Would the gentleman from Minnesota yield? What does this have to do with anything? What is this smear on the man all about?

Mr. CLINGER. The gentleman from Minnesota has the time.

Mr. WAXMAN. This is really an outrage.

Mr. GUTKNECHT. Well, Mr. Chairman—

Mr. WAXMAN. You make Joe McCarthy look like a statesman.

Mr. GUTKNECHT. It does bear on this case because, first of all, we don't know how they were hired. Now, we are very careful about having security checks on former staff members, but here is a current staff member who has a very responsible position, and frankly I am told and now as I look at the deposition, that he did admit that he had a drug problem. Whether we call it a problem or not, the question is, who did the security clearance on these people? I think that is a legitimate question for this committee and for the people of America, particularly when these people were used and they used the FBI and the IRS to go out and besmirch the characters of seven fine Federal employees that worked at the

White House Travel Office. I think that is legitimate and I think this committee ought to know.

And if, Mr. Kennedy, if you knew about it—did you know about this problem?

Mr. KENNEDY. Congressman, for about the fourth time today, I am not going to comment on the contents of anybody's background.

Mr. GUTKNECHT. So you either—you are not going to comment. But if you did know, you went ahead and hired him anyway?

All right. Now, Mr. Livingstone, did you ever ask Mr. Marceca to review any White House employees lawyers' responses to questions that might have been problematic regarding security backgrounds for people who were working at the White House? That is a yes or no.

Mr. LIVINGSTONE. I am sorry. I didn't mean to outburst at you, sir. I am trying to collect myself.

I would like for the record to state that I never stated that I had a drug problem in deposition. And I am quite confident of that.

I would like to try to answer your question now, sir, if you could please restate it.

Mr. GUTKNECHT. Did you ever ask Mr. Marceca to review any White House employees lawyers' responses concerning security background problems?

Mr. LIVINGSTONE. I don't understand the question, and I am not trying to be difficult. I don't understand what you are asking me.

Mr. GUTKNECHT. Well, if someone was in the—potentially in the position of being fired and they have asked some lawyer to write a response, did you ask him to clean up the response?

Mr. LIVINGSTONE. Clean up the response, sir?

Mr. GUTKNECHT. That's right.

Mr. LIVINGSTONE. What do you mean by that?

Mr. GUTKNECHT. Well, we have a memorandum here that Mr. Marceca gave us, that essentially shows that Mr. Marceca wrote a memorandum apparently to you saying that one particular subject ought to clean up their response so that they won't be fired and here is how they can do it.

Is that true or not?

Mr. LIVINGSTONE. I don't recall anything around this letter. I have no recollection of this—this paragraph, this memo.

Mr. GUTKNECHT. So you never saw the memo before?

Mr. LIVINGSTONE. I don't recall it, sir.

Mr. GUTKNECHT. Mr. Marceca, did you send that memo to him?

Mr. MARCECA. I did. I believe I did. I don't know that he got it but I did. And this is what we call a talking paper. It's got alternatives. And that's what it is. It's—I believe it's information off of an SF-86 but I'm not even sure about that.

Mr. GUTKNECHT. So you are not sure where that came from?

Mr. MARCECA. I know where it came from, yes, sir.

Mr. GUTKNECHT. Did you tell people how to answer questions so they could get past the test?

Mr. MARCECA. No. Sir, this, as I said, was a talking paper.

Mr. GUTKNECHT. A talking paper to whom? Who was going to do the talking?

Mr. MARCECA. This was a talking paper. It was either for Mr. Livingstone or to pass back. I don't know what he was going to do with it. It was——

Mr. CLINGER. The gentleman——

Mr. MARCECA. It was my—it was my answer as to what could possibly be done with this SF-86.

Mr. CLINGER. The gentleman's time has expired.

Mr. GUTKNECHT. He is not going to answer.

Mr. CLINGER. The Chair now recognizes the gentleman from Maryland, Mr. Cummings, for 5 minutes.

Mr. CUMMINGS. Mr. Nussbaum, if somebody hadn't pointed you out to me before this hearing, I would not have known who you were. But I have found your testimony to be extremely, as a trial lawyer for 20 years, extremely credible. I believe you.

Let me just ask you a few questions and then I will go to the other witnesses. You really do believe that this was a mistake, don't you?

Mr. NUSSBAUM. Absolutely.

Mr. CUMMINGS. There is absolutely no doubt in your mind about that?

Mr. NUSSBAUM. There's absolutely—I didn't—at the time it was happening, I didn't know it was happening. If I knew it was happening or Kennedy knew it was happening or anybody in the counsel's office knew it was happening, we would have stopped it in an instant.

But, you know, I cannot believe that anybody in the White House, having sat here today listening to Mr. Marceca who I didn't know and I don't believe I ever met, and Mr. Livingstone, who I do know and did meet but didn't have a lot of dealings with particularly, I cannot believe that they or anybody else in the White House would commit an intentional breach of privacy. This was a—this appears to me to be an unintentional error. That's what I believe.

Mr. CUMMINGS. Ms. Wetzl, I also find you to be very credible, and I am just wondering, it seems like—I mean, I have heard all the testimony either by television or I have been in here, and I guess the thing that troubles me is this whole issue of the Secret Service, you saying one thing and they saying another. And they seem to be sort of in conflict and maybe I am missing something.

There was a list that you discarded. Is that correct? Did I understand that correct?

Ms. WETZL. A Secret Service list?

Mr. CUMMINGS. Yes.

Ms. WETZL. Yes.

Mr. CUMMINGS. And that was, in fact, a list that was prepared by the Secret Service; is that right?

Ms. WETZL. Well——

Mr. CUMMINGS. To your knowledge?

Ms. WETZL. To be factual, I discarded several Secret Service lists. Whenever we got a new, updated list from the Secret Service, I would throw the old one way.

Mr. CUMMINGS. And so—how did you know that those were Secret Service lists?

Ms. WETZL. Because they were given to us by the Secret Service. So are you talking about the regular lists——

Mr. CUMMINGS. Yes.

Ms. WETZL [continuing]. That we would get?

Mr. CUMMINGS. Yes.

Ms. WETZL. We would go pick them up from the Secret Service Technical Services Division Office.

Mr. CUMMINGS. All right.

Now, Ms. Gemmell, when you had your conversations with her, I take it that she gave you a full explanation. And going back to what Ms. Meek was asking about a few moments ago, no manuals were there exchanged between the two of you? Did she provide you with any kind of manuals, any kind of documents, any kind of paperwork to say this is how it should be done?

Ms. WETZL. No. It was all verbal. I took notes.

Mr. CUMMINGS. And you didn't think that there was anything unusual about this process of operation update or whatever it is called? You didn't feel that there was anything wrong with doing what you—what was supposed to be done there?

Ms. WETZL. The Update Project?

Mr. CUMMINGS. Yes.

Ms. WETZL. No. I knew the goals of the project. It made sense to me.

Mr. CUMMINGS. And those goals were what?

Ms. WETZL. To regenerate files on employees who had worked through successive administrations, and not only employees but people who had access to the White House complex through successive administrations.

Mr. CUMMINGS. Mr. Marceca, you had done security work before. Is that correct?

Mr. MARCECA. Sir, I have been in and around law enforcement since 1968.

Mr. CUMMINGS. The newspaper accounts would have you look as if you had no dealings with any kind of security. And you had security clearance; is that correct?

Mr. MARCECA. Yes, sir.

Mr. CUMMINGS. You heard the testimony of Mr. Nussbaum with regard to his feelings with regard to the possible invasion of people's privacy. You heard that testimony?

Mr. MARCECA. Yes, sir.

Mr. CUMMINGS. And he was very emphatic about it. I just wanted to know what your feelings are about possible invasion of people's privacy.

Mr. MARCECA. I agree wholeheartedly with Mr. Nussbaum's sentiments. If I might comment?

Mr. CUMMINGS. Please.

Mr. MARCECA. I would like to say that I am sincerely and deeply sorry about my involvement in this matter and when private citizens' files were reviewed, I would—that's just uncalled for. If they were not to be reviewed, they should have never been reviewed. I would apologize in person if I could.

I truly regret the failure to identify the fact that some of the individuals that we were creating files for should have never been retrieved from this—from the FBI. I understand how those folks feel.

I don't want my privacy invaded, and I feel that and I am sorry for that.

And I apologize to this Congress and the American people that have suffered through this—these hearings and everything else and all this press. And to each person, I say I am sorry. I did not seek these FBI files for any improper motives and I believe I was discharging my duties.

Mr. CUMMINGS. I want to thank you for that. That means a lot to me personally. I am sure it means a lot to this committee and the people of this great country.

Mr. Livingstone, what are your feelings with regard to that whole issue? That is, the issue of privacy in people's—I understand you resigned today and I take it that you have some strong feelings with regard to privacy. What are your feelings, again, going back to what Mr. Nussbaum said?

Mr. LIVINGSTONE. Sir, I worked my whole life to be part of a Democratic administration. When I got this job, as explained to me, it was largely administrative but I did my best to learn. I met with the Secret Service. I met with career security people. I sent Ms. Wetzl to defense training and Office of Personnel Management training, all of which I know previous offices have never completed these types of training courses. We did our best to learn our job as we went on. Unfortunately, these mistakes were made.

I can understand how these people would be upset, and I think they are upset rightly so. But I would like to assure the committee and the American people, and you, sir, that at no time did anyone ever ask me, the President, the counsel to the President, the Chief of Staff or anyone I report to or anyone I work with, to do anything illegal or untoward or violate the trust of the American people.

I resigned from my job today because of that, because I realized that that was my responsibility, and I am terribly sorry for that. And I am sure I will pay for a good part of my life with that knowledge.

Mr. CUMMINGS. Thank you very much.

Mr. CLINGER. The gentlemen's time has expired.

The gentleman from Indiana, Mr. Souder.

Mr. SOUDER. Thank you, Mr. Chairman.

Mr. Livingstone, you said you worked your whole life to be part of a Democratic administration. One rumor in the press that circulated is that you either volunteered or worked for the Bush-Quayle campaign. Is that true? Did you ever work in that in any capacity, volunteer, approach to volunteer for the Bush-Quayle campaign.

Mr. LIVINGSTONE. No, sir.

Mr. SOUDER. We may have follow-ups on that later one, but I take you at your word.

And one of our jobs, if I can just clarify this, one reason we ask questions multiple times, and this is not an allegation that this is like Watergate, but as somebody who watched that type of thing, the witnesses usually the first time around will say something, if there is anything to cover up, to cover up, and also give that answer if there is nothing to cover up. Our job is to try to draw that out.

And just because somebody answers a question a certain way, doesn't mean you go, oh, well, we made a mistake with a hearing; we don't know until we do a full round of hearings with a lot more depositions, with a lot more things.

I want to give you the benefit of the doubt. I take you at your word, I have no other evidence that that is not true, so I accept that.

You stated earlier in this hearing that Evelyn Lieberman admonished you about not being sensitive about a person's file in the hearing today. What file was that?

Mr. LIVINGSTONE. I don't recall, sir.

Mr. SOUDER. You don't recall what? You recall the incident but not the——

Mr. WISE. Point of order. I know the gentleman is not trying to be destructive, but that could get into Privacy Act concerns, I would think.

Mr. SOUDER. I am not asking what was in the file.

Mr. CLINGER. The question was just whose file it was.

Mr. FATTAH. Mr. Chairman, he already indicated that there was something in there and he talked a little bit about that, and if you now put the name to it——

Mr. CLINGER. I don't believe there was any testimony as to——

Mr. FATTAH. He talked about the fire extinguisher.

Mr. LIVINGSTONE. Mr. Chairman, even if I remembered, I couldn't say.

Mr. SOUDER. Why did Evelyn Lieberman talk to you about this problem? She is an Assistant to Maggie Williams, the Chief of Staff in Hillary Clinton, the First Lady's office. Why would she have talked to you about that?

Mr. LIVINGSTONE. As I understood, sir, a person approached her.

Mr. SOUDER. The person you talked to approached her; why wouldn't she have gone through the normal chain of command rather than going to you directly? Did you have a relationship with her or did she know you? Did you talk to her on a regular basis?

Mr. LIVINGSTONE. You are asking me to guess, but as I testified earlier, I believe that the specific incident was around that I had said something about a person having a sorority or fraternity prank and setting off fire extinguishers, and that perhaps her inference was that it was not something meant to be mean-spirited or contemptuous, but inappropriate, and letting me know that that type of comment would be inappropriate, and I took it as such.

Mr. SOUDER. Did she come to your office and tell you that?

Mr. LIVINGSTONE. No, sir. I believe I testified earlier that we talked about it in the hallway.

Mr. SOUDER. Do you know when that occurred, approximately?

Mr. LIVINGSTONE. Quite some time ago.

Mr. SOUDER. In the first period of time you were there or part way in?

Mr. LIVINGSTONE. I don't recall, sir.

Mr. SOUDER. Mr. Kennedy, did you ever hear about this incident from Ms. Lieberman or anyone else?

Mr. KENNEDY. I don't recall, sir. I don't believe so.

Mr. SOUDER. You mentioned in the course of this question of who hired you, and I know we have asked that multiple times, but we

all know that you can't just walk into the White House. We understand what happened after that and how it came to be Mr. Kennedy's responsibility.

You have made some suggestions, but you can't just show up at the White House without knowing who got you there. What is partly concerning this committee is you also said that one of the people you approached about a job was Mr. Thomason.

Can you try once more; I understand the basic answer if you don't know who told you to show up that first day, that your clearance would be there, or how that information got to you that you could get into the White House—you can't just walk into the White House.

Mr. LIVINGSTONE. Since you mentioned—are you a friend of Harry Thomason? You mentioned, Mr. Thomason. I can assure you that it was not Harry Thomason.

Mr. SOUDER. Who called you and said show up, you are cleared? You can't do that.

Mr. LIVINGSTONE. Sir, I will try to answer the question to the best of my memory. You are asking me to remember 3½ years ago.

Mr. SOUDER. I will let you answer.

Let me comment, you said you spent your whole life trying to get this job. You finally make it to the White House, a Democratic administration, you are finally coming in, you are in the door, you know you have to have clearance. You certainly would want to know who got you there.

It is hard for anybody to believe, however long ago it was—we know who gave us our first thousand dollars, we know who worked door to door. How could you not know who got you the job?

Mr. LIVINGSTONE. I said earlier, and will say again, that I worked on the Inaugural Committee. At the Inaugural Committee I did some advance for the President, and perhaps the Vice President, until February. In February, as I recall it, Ms. Varney, Christine Varney and I talked about work at the White House, possibly working in this position, which I held until recently.

The only recollection I have, sir, is Ms. Varney, and there was some mention of Mr. Foster today; perhaps Mr. Foster sent me to see Cheryl Mills, but I remember talking to Cheryl Mills specifically about working at the White House. As I said earlier, as I recall it, she said something like, I don't think I am going to be in charge of this area but when it is determined who is, that person will decide if you are going to work.

Mr. SOUDER. For the record, did you ever thank anybody? And if so, who? You never thanked anybody for getting you a job in the White House?

Mr. LIVINGSTONE. I am pretty sure I thanked Ms. Varney for her help. I didn't know Mr. Kennedy or Ms. Mills.

Mr. SOUDER. You never thanked anybody in the political operation, anybody in the First Lady's office, who you had worked with in the campaign, and say, hey, thank you for helping me get the job?

Mr. LIVINGSTONE. I don't recall that that ever happened, no.

Mr. SOUDER. One more question related to Mr. Thomason. Did he ever ask you a question, did anybody associated with him every ask you a question or did you ever volunteer any information to

him or anybody associated with him, anything regarding Billy Dale's or any other Travel Office file?

Mr. LIVINGSTONE. No.

Mr. CLINGER. The gentleman's time is expired.

The gentleman from Oklahoma, Mr. Brewster, is recognized for 5 minutes.

Mr. BREWSTER. Thank you, Mr. Chairman.

Did any of you have meetings or phone discussions in preparation for this meeting with each other in the last week or so?

Mr. LIVINGSTONE. No, sir.

Ms. WETZL. No, sir.

Mr. KENNEDY. I received a phone call when the first press reports hit, from Bernie Nussbaum. He was inquiring as he wanted to put a statement out because he was being besieged by press reports.

He called me and he said, in essence, and I am going to summarize, they are telling me there is a form out with my name on it. What do you know about it? I said, Bernie, I don't know what you are talking about. He proceeded to tell me that there had been press reports about requesting Billy Dale's file. He said, do you know anything about this? I said, no, I don't, and we hung up.

Mr. BREWSTER. And that was the only conversations that any of you had with each other concerning this upcoming meeting?

Mr. KENNEDY. Yes, sir.

Mr. BREWSTER. Who actually contacted the FBI to get the files brought to the White House, Mr. Marceca or Mr. Livingstone, or who actually—

Mr. MARCECA. Congressman, I sent out what we are referring to as the Mr. Nussbaum forms. Those were requests for previous investigations. I did that. From August 18th to the date, about 2 weeks before I left, I was working on the Update Project and those forms concerning the previous investigations. I did that. I am taking responsibility for that, sir.

Mr. BREWSTER. Who asked you to send those?

Mr. MARCECA. That was the part of the process of updating the files, was getting those previous reports, Congressman.

Mr. BREWSTER. But you came in there and someone had to ask you to update the files to get something done; right?

Mr. MARCECA. I received instructions prior to starting my detail, and I thought when I started my detail I got after that, a couple of weeks after I started the project, I tried to work on the Update Project.

Mr. BREWSTER. What was the timeframe on receiving the files from the FBI?

Mr. MARCECA. I am not sure, but I think a month and a half, it might have been 2 months. That is an interesting question, because it is a possibility that a lot of those I never even ordered, that I am getting credit for. We will find out.

Mr. BREWSTER. Were they all of the Republican Party?

Mr. MARCECA. No. They were people that had access. Political thing doesn't enter into this, sir. They were on access, so they could be any party.

Mr. BREWSTER. The only ones we are hearing about are those people who are former staff people of the Republican Party?

Mr. MARCECA. Yes, sir.

Mr. NUSSBAUM. You asked before about conversations prior to this hearing; I recall talking to Mr. Kennedy and Mr. Kennedy's lawyers about the timing and format of these hearings because both of us felt, that is why we got subpoenas, in effect—I just want to make clear—both of us felt that we were being sort of dragged in here after we gave depositions, and we had other things scheduled to do, so we spoke to each other and our attorneys spoke to each other as to whether we should command subpoenas or not.

Mr. BREWSTER. I find it rather interesting that you were able to secure those files in a month or so. I asked last week for my copy. The FBI told me it would be a minimum of 2 years. So maybe we need to get the White House out a little bit here.

Another Member asked for his and they said it would be upwards of 4 years in securing his files. I am kind of curious what is in mine. Didn't know the FBI had one. It would be interesting to find out.

Did you have any files over there at any time on Members of Congress?

Mr. MARCECA. Not that I can recall, sir. Unless they were on the Update Project, I don't believe so. Unless you had access—I don't recall—

Mr. BREWSTER. As you know, we all go over there from time to time for meetings, and I was curious, because if we did have access—

Mr. MARCECA. I guess the question you can answer is did you have a badge, because this is in relationship to people that had badges that would walk in and out. That is what this is about.

Mr. BREWSTER. I had to miss part of the meeting today. I understand someone asked Mr. Livingstone who hired him and I understand he doesn't remember.

Mr. LIVINGSTONE. That is not quite correct. I believe I testified that somewhat differently than "don't remember."

Mr. BREWSTER. Who did?

Mr. LIVINGSTONE. I believe that Mr. Kennedy ultimately hired me.

Mr. SCHIFF. I can't hear the witness.

Mr. LIVINGSTONE. As I stated earlier, I believe that ultimately Mr. Kennedy approved me to work at the White House.

Mr. BREWSTER. That is correct, Mr. Kennedy?

Mr. KENNEDY. How much time have you got, Congressman? You want me to go through the answer again?

Mr. BREWSTER. Probably not. I can go back and read it. I prefer a yes or a no.

Mr. KENNEDY. Unfortunately, I have been tried to be forced into that position before. It is not susceptible of a yes or no answer.

Mr. BREWSTER. Let's leave it there, then.

Thank you, Mr. Chairman.

Mr. CLINGER. The gentleman's time has not expired but he yields back the balance of his time.

I now recognize the gentleman from New Jersey, Mr. Martini, for 5 minutes.

Mr. MARTINI. Thank you, Mr. Chairman.

Let me begin by saying that last week we had the benefit of listening to testimony from other White House Counsel and other people in your position, Mr. Livingstone, and they for some time testified in great detail and great conscientiousness about the process that they had in the White House during the time that they were in that position.

And it was pretty clear that the sensitivity of the position came out in that testimony, the degree to which there was a procedure implemented came out in that testimony, and certainly a great conscientiousness on the part of the people that testified as to the handling of files and requests of sensitive information in those files came forth from their testimony.

I bring that out because we are now in a position, because of whatever it is, whether it is a mistake or error or something more, we have a great number of Americans out there who run the risk of this information at some point down the road, because of the poor handling of this information, coming back in some way to affect their lives.

I saw a few moments ago how disturbed you got by the revelation of something personal to you, which I respect, but similarly there are hundreds of people out there now who will never know when they go to get a job whether or not there is some fact that came out of this process or not, so I bring that up.

Hours ago I heard my colleague, Mr. Lantos, feel strongly, even a week ago, that your conduct was so egregious that it warranted firing. In fact, he called for it that today. He even called for more extreme conduct, which I don't share, I assure you, and I think it was inappropriate to make that comparison. But you did resign. You made your resignation prior to informing us here today.

Did you inform anyone in the White House of your decision to resign?

Mr. LIVINGSTONE. No, sir, that was a personal decision.

Mr. MARTINI. Prior to making that decision, did you discuss it with anyone in the White House?

Mr. LIVINGSTONE. No, sir.

Mr. MARTINI. I think the sum of all of your testimony is that there was a mistake with a Secret Service list and this resulted from a mistake in the list; am I correct? That is the sum of what we are hearing today?

Mr. LIVINGSTONE. I don't mean to impugn the Secret Service. I believe that we operated off several lists, and we tried from Personnel, from Management Administration and from other people to identify well into the first year of the administration.

Mr. MARTINI. I am suggesting you did that, but what I am trying to find out is, you decided to resign. Was there any discussions by anybody in the White House that you should be terminated, that you are aware of?

Mr. LIVINGSTONE. Absolutely not with me.

Mr. MARTINI. So is it your understanding that after these hearings you could very well have gone back and worked in the White House?

Mr. LIVINGSTONE. It was my understanding, sir, that I was on administrative leave. If you are asking for my personal opinion, I don't think that I would have returned to the White House, no.

Mr. MARTINI. By the decision of the White House or by your own decision which you made today?

Mr. LIVINGSTONE. My own decision.

Mr. MARTINI. The environment that you left the White House in was that they would take you back. You believed that you still had a job there?

Mr. LIVINGSTONE. If you are asking my personal opinion?

Mr. MARTINI. I am.

Mr. LIVINGSTONE. I was placed on administrative leave. I requested that and I was placed on administrative leave.

Mr. MARTINI. So you are saying no one at the White House felt as egregious as Mr. Lantos did some hours ago about your conduct, that 2 weeks ago they came to you and suggested that you either leave, terminate or that there might not be a position back there for you? That discussion never occurred?

Mr. LIVINGSTONE. No, sir, I don't believe that is a reasonable or fair characterization. Over the last couple of days, I have obviously been subject to much press scrutiny and have learned better of what has actually happened. And I saw how upset through news reports and watching it on TV, that the President was that this happened in his White House. And I came to a personal decision that my inability to supervise my office correctly led to this decision and ultimately I should resign.

Mr. MARTINI. Let me go on to a different subject.

Mr. Kennedy was your immediate supervisor; is that correct?

Mr. LIVINGSTONE. In 1993.

Mr. MARTINI. And, Mr. Kennedy, your immediate supervisor or boss was Mr. Nussbaum; correct?

Mr. KENNEDY. That is correct.

Mr. MARTINI. Mr. Nussbaum, in your opening remarks, I am somewhat disappointed to this extent; you go to great pains in your opening remarks to indicate this was a mistake, an error, and that, you repeated it a few moments ago, you did not know this was happening at the time it was happening, but you went to great pains also to suggest that you knew nothing was misused and that the information was not in any way politicized or being misused. I can't conceive—don't interrupt me, please.

Mr. NUSSBAUM. You are mischaracterizing what I said.

Mr. MARTINI. I can read what you said. You go to great pains to make it clear that this was not deliberate, that you would be disturbed by this type of conduct, but you also say on page 2, you did not know it was happening nor did anyone in the Counsel's Office know it was happening.

And on page 1, you are saying that if anyone had committed such a reprehensible act in this White House and it had come to my attention or to the attention of the President or the First Lady, the individual responsible would have been thrown out on his ear and worse.

Then you go on and say that in recent weeks this is the first you learned about it, the same time we learned about it, but you are saying, in effect, and I don't see how anyone could have any confidence, to the extent that you claim, that there is no misuse of this information, because you didn't even know this was going on until weeks ago.

Mr. NUSSBAUM. I said in the statement on the top of page 3, that that employee has sworn that the error was an innocent one, that the information he obtained was not disseminated to anyone outside of his office, that it was not used for any improper purpose. So I made very clear that what I was basing my opinion on was the sworn testimony, which he repeated today, that the error was innocent and the information was not disseminated outside the office.

What I didn't know was happening, I didn't know these files were being called for in 1993. There is nothing inconsistent in my statement.

Mr. MARTINI. You are basing that on the sworn testimony of Mr. Livingstone?

Mr. NUSSBAUM. And Mr. Marceca.

Mr. MARTINI. Mr. Livingstone, who you admitted a moment ago you had never met and didn't have much interaction with; is that correct?

Mr. NUSSBAUM. I did meet Mr. Livingstone. I did have some interaction with Mr. Livingstone, yes, but not a lot. I am basing it on his sworn testimony and on Mr. Marceca's sworn testimony, and I am also basing it on the fact we had people like Vince Foster and Bill Kennedy as supervisors in that office. They are superb people, who would not countenance this kind of conduct. That is what I am basing it on Mr. Martini.

Mr. CLINGER. The gentleman's time has expired.

The Chair now recognizes the gentleman from Florida, Mr. Scarborough.

Mr. SCARBOROUGH. Mr. Livingstone, I know this has been an extremely difficult day. You have been piled on, some Democrats have made some outrageous statements. To quote some of them, they said your behavior has been idiotic, incompetent; you have generally been piled on. It appears that you are the fall guy for the day.

In fact, Mr. Lantos made an outrageous statement regarding suicide. I would just like to let you know what I have on my desk; I have an old cartoon, a Ziggy cartoon. He is lying on the psychiatrist couch and the psychiatrist says: No, Ziggy, the whole world is not against you, more than 4 billion people aren't even aware of your existence. You will have a lot of days.

I would ask you not to follow Mr. Lantos' advice. You do though bear a remarkable resemblance, and I know you are not going to like to hear this, but politically to Oliver North, who went from an American hero to the Republican fall guy that became a nonperson. You have gone, according to Mr. Stephanopoulos a year ago, from being a guy who can make things happen, to now being a guy that he said recently he didn't know anything about.

There is more than enough blame to go around that shouldn't just fall on your shoulders. There are other people in the administration, other people in this Congress that didn't want this information to come out. In fact, about a month ago—this has been called a political witch-hunt today.

A month ago, it was called a political witch-hunt also when we were trying to get 1,000 of these documents that everybody on this side of the aisle said we had no right to get because it was Execu-

tive Privilege. They said it was a political witch-hunt then. They are saying the same thing now.

If we hadn't gotten those documents, you wouldn't be sitting here today. None of this would have ever come out. So it seems to me that there is more than enough blame to go around, and I think it is very unfair, but I suppose that is why they call it a blood sport. I think very unfair that you have been left out hanging in the breeze today by some people who I think share the responsibility also.

I do want to ask a question of Mr. Kennedy, and it is a question that I am sure you will suggest has been asked several times before. Let me ask it in a different way.

Today you basically said that you would take responsibility for hiring Mr. Livingstone, if I am not mistaken. And I have a deposition here that I think somebody has brought to your attention before. There was a question asked of you when several things came up, and they were suggesting that Mr. Livingstone should be fired for some things that he did.

The question was asked, did there come a time when you considered having somebody else in that position? Your answer was no. First of all, it wasn't my decision to make. And second of all, the only concerns I had concerning these matters, which were not—and then you said, I don't know how to describe them. I am sure you can understand—that is on page 9 of your deposition.

I am sure you can understand why some of us are scratching our heads, when today you stepped up and said, yes, I take responsibility, and then in this deposition you said it wasn't your decision to make. Whether it is a law firm or a Member's office in Congress, usually somebody has hiring and firing ability.

Mr. KENNEDY. Congressman, the trouble with this is that we are comparing apples and oranges. First of all, the questions put to me have been basically, at the time I first got there, did I basically assume responsibility for Mr. Livingstone? The answer is yes. This question says, did there come a time when you considered having someone else in that position? I answered, no.

First of all, it wasn't my decision to make. Mr. Livingstone was on the payroll of the Counsel's Office. I would not have fired Craig or taken any action against Craig in a material way without checking with my superior, Mr. Nussbaum. I would have made a recommendation to Bernie, this is something we should have done, but it would have been his call because he was my superior.

Mr. SCARBOROUGH. I thought I heard Mr. Livingstone suggest that in the end you were responsible for his hiring. Usually in most management structures the person that had the ability to hire also has the ability to fire. Can you understand why we are more than a little bit confused on this issue?

Mr. KENNEDY. The short answer is yes, but the reason is it is a complicated issue. People have all day tried to make this a yes or no, Mr. Kennedy, I want a yes or no answer from you, and the problem is it is not susceptible of that. If you are going to give an accurate answer to this question, you have to explain the circumstances and the background, which I have tried to do to the best of my ability.

Mr. SCARBOROUGH. OK.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. The gentleman yields—

Mr. HORN. Would the gentleman yield?

Mr. SCARBOROUGH. Yes, I will.

Mr. HORN. Let me read from a story in today's Washington Times. Tell me if this is true or false. It says, "Mr. Kennedy kind of pooh-poohed' objections to Mr. Livingstone." "Mr."—and tell me the right pronunciation, "Sculimbrene, an FBI agent, told Senate investigators, he [Kennedy] didn't like it he was stuck with him [Mr. Livingstone] because you know who wanted him there, meaning the First Lady,' Mr. Sculimbrene said."

In a July 1993 report, the White House acknowledged that the Travel Office firings were a mistake, and that high-level officials made mistakes as they planned action against the Travel staffers. Now, to you as a partner of hers in the Rose Law Firm, the question is, to what degree was the First Lady protecting Mr. Livingstone? Is this an inaccurate article or what?

Mr. KENNEDY. With all due respect, I would like to have a copy of that article to respond to. Leaving the article to one side for the moment, I can state that I have never discussed Mr. Livingstone with Mrs. Clinton in any way, shape or form.

Mr. NUSSBAUM. Nor did I.

Mr. HORN. You seemed reluctant to say Mr. Nussbaum really could do anything about it, so somebody must have.

Mr. CLINGER. The time of the gentleman has expired.

The Chair now recognizes the gentleman from Illinois Mr. Flanagan for 5 minutes.

Mr. FLANAGAN. Thank you, Mr. Chairman.

I want to return to something far more prosaic, the list. Actually, of all the lists we have talked about and had handed out, the only list we are really interested in is Mr. Marceca's list. You said, if I remember correctly today, that you got the list from the vault.

Mr. MARCECA. Yes, sir, it was in the vault.

Mr. FLANAGAN. To the best of your memory, the list was prepared by the Secret Service?

Mr. MARCECA. That is what I was led to believe before I started, yes.

Mr. FLANAGAN. Ms. Wetzl, you said that the Secret Service has two kinds of lists, a regular list for regular people who want to visit the White House, that is a list of a cursory check of some kind to make sure they are not terrible, and then they have an access list.

Ms. WETZL. I believe what I said was we weren't responsible for appointments, regular people who just come for lunch, or whatever. That is all handled by the Secret Service. I don't know if they have a list or what.

Mr. FLANAGAN. So you have only one kind of Secret Service list?

Ms. WETZL. No, we have several other kinds of Secret Service lists.

Mr. FLANAGAN. What might those be?

Ms. WETZL. There were several different formats for the same information about pass-holders.

Mr. FLANAGAN. What might those different formats take?

Let me ask this question; how often were those lists generated? The list that Mr. Marceca had taken I assume was one of these

itinerant lists that comes every so often, for he stated that, I believe, he had an updated version that had old people on it.

Mr. MARCECA. No, sir, I never stated that.

Mr. FLANAGAN. Did you have a current list, then?

Mr. MARCECA. I understood that it was a current list. I did not say it was outdated.

Mr. FLANAGAN. You understood it was current, and it turns out it wasn't. Was it fair to say it was an updated list?

Mr. MARCECA. No, sir. It is fair to say that I believed the list was current when I had that list. Later on it developed that there were people that had left the White House, when I started that project they had no reason to believe that that list was outdated or that those people did not have access to the White House.

Mr. FLANAGAN. Is the list regenerated ever? If it becomes outdated, whether yours was or not, at some point that list becomes outdated and is replaced; how often is that?

Ms. WETZL. It depends on—our office, a great deal of the project besides the Update Project depended on Secret Service lists in different formats. So yes, quite regularly we would get different or new Secret Service lists.

Mr. FLANAGAN. Do you know which list Mr. Marceca had, which format?

Ms. WETZL. I stated no. I did not see the details of the list. However, I believed it to be a Secret Service list, as I saw the distinctive green and white paper and the thickness of it and the way it is folded over.

Mr. FLANAGAN. So it is one of many possible different formats that you deal with from the Secret Service?

Ms. WETZL. Yes. You would have to ask Mr. Marceca what the format was.

Mr. FLANAGAN. Do you know which format you had?

Ms. Wetzl has informed us that the lists come in, for lack of a better term, various shapes and sizes that this office deals with. Do you know which particular kind you had?

Mr. MARCECA. I had what I believed was a master access list.

Mr. FLANAGAN. How often is that list updated? Would an old list be destroyed or replaced by a new list?

Mr. MARCECA. I believe I worked on that list until I discovered, and it was not a sudden discovery, but somewhere after a couple of months—well, it is being pointed out it was always the same list. When I discovered that there were problems with that list, I then changed my approach to updating.

Mr. FLANAGAN. You just had one hard copy that you worked from?

Mr. MARCECA. Yes, sir.

Mr. FLANAGAN. You called it a what?

Mr. MARCECA. It was an Update Project list.

Mr. FLANAGAN. Did you not call it a master list a moment ago?

Mr. MARCECA. I just formulated that word.

Mr. FLANAGAN. It appears that Mr. Marceca doesn't know which version of the list he had.

Does that help you perhaps identify which particular kind of Secret Service list he had?

Ms. WETZL. No. It is the same information basically in different formats, different parameters that we would give the Secret Service. From those parameters that we would give them, they would produce these lists for us. So I cannot testify as to the details of format of his list, that particular list.

Mr. FLANAGAN. Mr. Marceca, what information other than names was on that list?

Mr. MARCECA. I can recall that there were a series of names and I believe they were in alphabetical order. I have been asked that question by my attorneys but cannot get past that alphabetical names. It seems there should have been date of birth and place of birth. I have been asked was there "I" or "A"; none of those things can I recall.

Mr. FLANAGAN. It seems to me that if the Secret Service is generating such a list, they surely know who has access now that would be indicated on such a list, and you cannot recall if it was on that list or not?

Mr. MARCECA. The list that I was looking at and working off of?

Mr. FLANAGAN. Yes.

Mr. MARCECA. I cannot recall anything except that it was a sequential list of names in what I believe to be alphabetical order. The other thing is, I covered that in my opening statement.

Mr. FLANAGAN. Mr. Chairman, with your indulgence, one quick question for Ms. Wetzl.

Do those lists normally contain information whether this person currently has access or not, in whatever form you ask for them or they come?

Ms. WETZL. Are you asking me if they are clearly marked whether they are active or inactive pass-holders?

Mr. FLANAGAN. Yes, ma'am.

Ms. WETZL. No.

Mr. FLANAGAN. They are not clearly marked?

Ms. WETZL. It depends on the list. It is not always clear on the list.

Mr. FLANAGAN. And you asked for those lists to be generated for you?

Ms. WETZL. I regularly did, along with other members of the staff.

Mr. FLANAGAN. In differing formats?

Ms. WETZL. Yes.

Mr. FLANAGAN. Thank you.

Thank you, Mr. Chairman.

Mr. CLINGER. The gentlelady from Florida.

Mrs. MEEK. Parliamentary inquiry, Mr. Chairman, I assume you will have more hearings. Could our rules be amended to be sure no witness can testify on a document unless that witness has a copy of the document, and members of the committee, at least 24 hours ahead of time?

Mr. CLINGER. We will take your request under advisement and see to what degree we can accommodate that request.

I now recognize the gentlelady from Florida.

Mr. BURTON. I would like to inquire.

We will be trying to get additional information and I just got a letter from the IRS today. What I would like to say to our col-

leagues on the other side, to the best of our ability, we will try to give you 24-hours notice, and if we get anything at the last minute——

Mr. MICA. Would you entertain a unanimous consent request that the personnel questionnaire by Mr. Livingstone, and the second copy, I think it was a revised copy by Mr. Cutler, Counsel to the President be made part of the record, and that would give the other side plenty of time to review those documents and also the witnesses?

Mr. CLINGER. Without objection.

Mr. WAXMAN. Reserving the right to object.

I don't understand what the gentleman is seeking to put in the record.

Mr. MICA. The air-launched personnel questionnaire which I came in possession of just a few hours before the hearing started today.

Mr. WAXMAN. I would like to see it before we have this unanimous consent agreement.

Mr. MICA. I would like to acquiesce to his right to object and review that before it is made part of the record, and hopefully we can get it in the record and everyone can see it.

Mr. CLINGER. Are you withdrawing your unanimous consent request?

Mr. MICA. Yes, I will at this time.

Mr. CLINGER. I now again recognize the gentlelady from Florida.

Mrs. THURMAN. Thank you, Mr. Chairman.

At this time I yield to Mr. Waxman.

Mr. WAXMAN. Thank you.

I want to make a comment.

We have sat here all day, and these witnesses, 9 or 10 hours, and what we have is a statement that there was no intent to put together a list for any political purposes or to smear anybody, that no one senior to the people involved that solicited the information from the FBI directed them to do it, that what we have is a list put together due to incompetence, and the Republicans have not given us any evidence to the contrary.

It seems to me that before salacious comments are made, rumors are thrown around, there ought to be evidence. Maybe that is not important in a political campaign, which is what this hearing is all about, but it ought to be evidence that is on the record and not just rumors that are thrown around.

I thank the gentlelady for yielding.

Mrs. THURMAN. I yield now a minute to Mrs. Maloney.

Mrs. MALONEY. I thank the gentlelady for yielding.

First of all, I would like to summarize a few points and facts that came out in today's hearing. Of the 200 additional files that the FBI disclosed last night, none of them are personnel files of Government employees in the White House.

The 200 additional files are all GSA employees, and I would like to try to clear up, as well as I understand it, some of the confusion around the lists.

We now know that Nancy Gemmell left behind a Secret Service list to be used for the Update Project, and that Mr. Marceca used that list in the vault for the project, and that Ms. Wetzl then when

she found out that it was out of date, discarded it so that no one else would use it further, and drew up another list for the archives, and that the second list was used simply for an archives index.

Last, I would like to state very importantly that all of the witnesses have testified over and over and over again that no one higher up in the White House, in Government, in the private sector, or anywhere, saw these files, used them for political purpose or for any purpose, and I think that that testimony is important testimony, and repeatedly all of the witnesses made such a statement.

I yield back the balance of my time.

Mrs. THURMAN. At this time, I would like to yield to Mr. Wise.

Mr. WISE. I thank the gentlewoman.

Eight-and-a-half, 9 hours of hearings later, and I do think it is important to look at what has been brought up, particularly in the area of lists.

First, a lot of issues have been cleared up about the lists, namely, one that Nancy Gemmell left a Secret Service list behind in the vault for use in the Update Project. Two, that Anthony Marceca used that Secret Service list that she left behind in doing his update work. Three, that when Lisa Wetzl undertook to complete that project after Mr. Marceca left, she found the Gemmell list used by Marceca and destroyed that list, because it was hopelessly outdated, when she discovered that the files of former White House employees were being requested.

We have also learned that the witnesses, Mr. Nussbaum, Mr. Kennedy, Craig Livingstone, Lisa Wetzl and Anthony Marceca under oath have testified that no one higher up in the White House and no one outside the White House has ever requested that this information be used for political purposes, and that most important, no one in the White House ever requested to see or review that information for inappropriate purposes. That is the summary of what we have gotten out of 8½ hours today.

I yield back.

Mrs. THURMAN. I yield to Mr. Kanjorski, and I would ask him to leave me a little bit of time to yield to Mr. Lantos.

Mr. KANJORSKI. I would like to inquire on the offer that I made earlier of the five specific documents in the prosecution review, whether or not the Chair is prepared to admit that into the record as it did admit into the record an e-mail message.

Mr. CLINGER. The Chair is not prepared to admit that into the record at this time. We will have additional hearings on this matter.

As I indicated to the gentleman during the break, we had agreed with the Justice Department that we would not enter those records into the record until we had had a chance to consult with them. We have not had that opportunity, so at this time the request would be premature.

Mr. KANJORSKI. Then I would make this motion and ask that it be put to the committee. I ask unanimous consent that all 1,000 pages that were qualified and presented under subpoena to this committee be produced and made part of the official record.

If this committee can see that, if the staff can see those, if parts of the press can see it on a select basis, I see no reason why it

shouldn't be part of the transcript of this hearing so all the American people can know what was involved and what was produced by the White House for this committee.

Mr. BURTON. Mr. Chairman, reserving the right to object.

Mr. CLINGER. The gentleman reserves the right to object.

Mr. BURTON. I have no objection to anybody seeing any part of these documents. It is just you are talking about such a huge volume of this and every member of this committee has the right to look at those and have all those things printed in the record.

Mr. KANJORSKI. I think I have the time.

Mr. BURTON. No, I reserved the right to object, but I yield to you on my reservation.

Mr. KANJORSKI. Mr. Chairman, how is the time? I won't be charged by Mr. Burton's time, I assume?

Mr. CLINGER. You are yielding back the time?

Mr. BURTON. Point of order.

He asked unanimous consent and I reserved the right to object. The Chair can make a ruling on that.

Mrs. THURMAN. Reclaiming my time, I believe that he was trying to reserve the time that that debate took place for myself so that I could yield.

Mr. CLINGER. We will yield you a minute at the end of this colloquy.

Mr. KANJORSKI. Mr. Chairman, so Mr. Burton understands what we are doing here, the Chair put into the record today a copy of an e-mail message that indicated, between FBI agents, in that message it was a question of whether the Billy Dale trial should occur. And there is a reference to: Let's do it before elections. And that is very, very insinuating that there was a political motive here, when in reality, I believe the Chair and the counsel to this committee know full well that the statute of limitations on these charges, on these charges were going to expire precisely on Election Day and that the FBI agents had started to pick the election date as the mode of operations to know that the election would lose the process.

Having interjected that into the record for fairness, because we are talking about the Professional Integrity Division of the Justice Department of the United States, I have asked for the documents that were reviewed for prosecution in that case now be made part of the record so all the American people can see that this Justice Department proceeding with that prosecution, had independent fair minds to decide that indictments should be acted upon and a prosecution carried up. It is unfair to deny that.

Mr. CLINGER. The gentleman has made a very eloquent argument in favor of entering these items into the record. But I would reiterate that I have an agreement with the Justice Department that I would not divulge that information without consultation with them. I will have an opportunity to consult with them prior to the next hearing.

The gentleman may rephrase or reinstitute his request at that time.

I now recognize the gentlelady from Florida—

Mr. KANJORSKI. Mr. Chairman, if I may be recognized.

We have discussed with the Attorney General—would you kindly inform her that this subpoena that she is responding to was not issued by you, but was a subpoena of this committee and a subpoena of this Congress, which we are all members of.

Mr. CLINGER. I thank the gentleman.

The gentlelady from Florida is recognized for 1 minute.

Mrs. THURMAN. Thank you, Mr. Chairman.

I would now yield to Mr. Lantos.

Mr. LANTOS. Mr. Chairman, I rise on a point of personal privilege.

Two of my Republican colleagues made reference to one of my earlier statements, and I would hope that inadvertently they misunderstood or misinterpreted or mischaracterized my statements. Let me for the record restate my observation so that there can be no doubt about it.

I was the first Member of Congress to call for Mr. Livingstone's firing. Today he has submitted his resignation. I am pleased that he did so. I think he should have done so a long time ago, and I wish him a long and happy life.

My reference to the tragic taking of his own life by Admiral Boorda, related to an entirely different issue, that individuals in public office take drastic action when questions are raised concerning their conduct. There was obviously not the slightest suggestion that this would be a proper course of action for Mr. Livingstone to follow, and I profoundly resent the absurd interpretation placed on my observation by some of my colleagues.

Mr. CLINGER. The gentleman's time has expired.

I will now recognize—

Mr. MICA. I have a unanimous consent request.

Mr. Chairman, I think we have worked out with the minority that in fact the questionnaire entitled, "Personnel Data Statement Questionnaire" from the Office of the Counsel to the President that Mr. Livingstone agreed had his name on it, would be the entry that we would ask unanimous consent to be part of the record.

Mr. LIVINGSTONE. Mr. Chairman, if I might just state that that is not a form that I prepared, and that was sent out on request by counsel.

Mr. CLINGER. We are just getting a unanimous consent so the document could be entered in the record.

Mr. MICA. I would ask further questions and will submit the second revised copy.

Mr. WAXMAN. Reserving the right to object, only to point out that I will not object, except Mr. Livingstone does not agree with your characterization. Let's put it in the record for however anybody wants to characterize it and I will not object.

Mr. CLINGER. The gentleman withdraws his reservation.

Without objection, the document will be made a part of the record.

[The information referred to follows:]

THE WHITE HOUSE
WASHINGTON

PERSONAL DATA STATEMENT QUESTIONNAIRE

FROM: BERNARD NUSSBAUM ^{BN}
COUNSEL TO THE PRESIDENT

As part of the clearance procedures for your prospective position, please answer all of the following questions (please do not respond "not applicable" or "N/A" if your response is "no" or "none"). In responding to the questions, please supply any information regarding your spouse or relatives that you deem to be relevant. Your responses to this questionnaire, which is not subject to public disclosure, are confidential.

You can type your responses in memorandum form on a separate sheet of paper with each answer corresponding to the number of the question. You do not need to retype the questions, but please sign and date the response.

Because your appointment cannot be finalized until all necessary reviews have been completed, please supply this information within 24 hours to Edgar Bueno of my staff. (Old Executive Office Building, Room 136, Washington, D.C. 20500; fax number: (202) 456-2146).

If you have any questions or need assistance in responding to this questionnaire, please do not hesitate to contact this office at 202-456-6229. Thank you for your cooperation.

Personal and Family Background

1. Please list your full name; home address and telephone number; office address and telephone number; date and place of birth; citizenship; and social security number.
2. Please identify your current marital status; spouse's name, citizenship, occupation, and current employer; and the names and ages of your children.
3. Do you have any medical conditions that could interfere with your ability to fulfill your duties? Please explain.

CGE 047851

Professional and Educational Background

4. Please list each high school, college, and graduate school you attended; the dates of your attendance; and degrees awarded.

5. Please furnish a copy of your resume and a brief biographical statement.

6. Please chronologically list activities, other than those listed on your resume, from which you have derived earned income (e.g., self-employment, consulting activities, writing, speaking, royalties, and honoraria) since age 21.

7. Please list each book, article, or publication you have authored, individually or with others.

8. Identify each instance in which you have testified before Congress in a non-governmental capacity and specify the subject matter of each testimony.

9. Please list all corporations, partnerships, trusts, or other business entities with which you have ever been affiliated as an officer, director, trustee, partner, or holder of a significant equity or financial interest (i.e., any ownership interest of more than 5%), or whose decisions you had the ability to influence.

10. Please provide the names of all corporations, firms, partnerships, trusts, or other business enterprises, and all non-profit organizations and other institutions with which you are now, or during the past five years have been, affiliated as an advisor, attorney or consultant. It is only necessary to provide the names of major clients and any client matter in which you and your firm are involved that might present a potential conflict of interest with your proposed assignment. Please identify the clients by name unless it would breach a confidential relationship or duty respecting a privileged matter. In addition, please provide the names of any other organizations with which you were associated which might present a potential conflict or the appearance of conflict of interest with your prospective appointment.

11. Please describe any contractual or informal arrangement you may have made with any person or any business enterprise in regard to future employment or termination payments or financial benefits that will be provided you if you enter government employment.

12. If you are a member of any licensed profession or occupation (such as lawyer, doctor, accountant, insurance or real estate broker, etc.), please specify: the present status of each license; and whether any such license has ever been withdrawn, suspended, or revoked, and the reason therefor.

13. Does your spouse or any family member or business in which you, your spouse or any family members have a significant interest have any relationship with the federal government through contracts, consulting services, grants, loans or guarantees? If yes, please provide details.

14. If you have performed any work for and/or received any payments from any foreign government, business, or individual in the past 10 years, please describe the circumstances, and identify the source and amount.

15. Please list any registration as an agent for a foreign principal, or any exemption from such registration.

16. Have you ever registered as a lobbyist or other legislative agent to influence federal or state legislation or administrative acts? If yes, please supply details.

Tax and Financial Information

17. As of the date of this questionnaire, please list all assets and liabilities with a fair market value in excess of \$5,000 for you and your spouse and provide a good faith estimate of value. As to liabilities, please list the name and address of the creditor, the amount owed to the nearest thousand dollar, a brief description of the nature of the obligation, the interest rate (if any), and the date on which due.

18. Please describe all real estate held in your name or in your spouse's name during the last six years, including any real estate held in combination with others or on your or your spouse's behalf in trust, by a nominee, or through any other title-holding entity.

19. Have you and your spouse filed all federal, state and local income tax returns?

20. Have you or your spouse ever filed a late income tax return without a valid extension? If so, describe the circumstances and the resolution of the matter.

21. Have you or your spouse ever paid any tax penalties? If so, describe the circumstances and the resolution of the matter.

22. Has a tax lien or other collection procedure ever been instituted against you or your spouse by federal, state or local authorities? If so, describe the circumstances and the resolution of the matter.

Public and Organizational Activities

23. Please list current and past political party affiliations.

24. Please list each membership you have had with any civic, social, charitable, educational, professional, fraternal, benevolent or religious organization, private club, or other membership organization (including any tax-exempt organization) during the past 10 years.

25. Have you or your spouse at any time belonged to any membership organization, including but not limited to those described in the preceding paragraph, that as a matter of policy or practice denied or restricted affiliation (as a matter of either policy or practice) based on race, sex, ethnic background, religious or sexual preference?

Legal and Administrative Proceedings and Filings

26. Please list any lawsuits you have brought as a plaintiff or which were brought against you as a defendant or third party. Include in this response any contested divorce proceedings or other domestic relations matters.

27. Please list and describe any administrative agency proceeding in which you have been involved as a party.

28. Please list any bankruptcy proceeding in which you or your spouse have been involved as a debtor.

29. Have you or your spouse ever been investigated by any federal, state, military or local law enforcement agency, or arrested for, charged with, or convicted of violating any federal, state or local law, regulation or ordinance (excluding traffic offenses for which the fine was less than \$100)? If so, please identify each such instance and supply details, including: date; place; law enforcement agency; and court.

30. Please list any complaint ever made against you or by any administrative agency, professional association or organization, or federal, state or local ethics agency, committee, or official.

Miscellaneous

31. Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for a government position?

32. Do you know anyone or any organization that might take any steps, overtly or covertly, fairly or unfairly, to criticize your appointment, including any news organization? If so, please identify and explain the basis for the potential criticism.

33. Please provide any other information, including information about other members of your family, that could suggest a conflict of interest or be a possible source of embarrassment to you, your family or the President.

THE WHITE HOUSE
WASHINGTON

PERSONAL DATA STATEMENT QUESTIONNAIRE

FROM: OFFICE OF THE COUNSEL TO THE PRESIDENT

As part of the clearance procedures for your prospective position, please answer all of the following questions (Please do not respond "Not Applicable" or "N/A" if your answer is "No" or "None"). In responding to the questions, please supply any information regarding your spouse or relatives that you deem to be relevant. Your responses to this questionnaire, as it is not subject to public disclosure, are confidential.

You can type your responses in memorandum form on a separate sheet of paper with each answer corresponding to the number of the question. You do not need to retype the questions, but please sign and date the attachment.

Because your appointment cannot be finalized until all necessary reviews have been completed, and because our review begins with the receipt of your paperwork, please supply this information within 30 days to Craig Livingstone, Director White House Security, at OEOB 84, Washington DC, 20500.

If you have any questions or need assistance in responding to this questionnaire, please contact Cliff Mauton, White House Counsel's Office at (202)456-6229. Thank you for your cooperation.

Personal and Family Background

1. Please list your full name; home address and telephone number; office address and phone number; date and place of birth; citizenship; and social security number.

2. Please identify your current marital status; spouse's name, citizenship, occupation, and current employer; and the names and ages of your children.

3. Do you have any medical conditions that could interfere with your ability to fulfill your duties? Please explain.

Professional and Educational Background

4. Please list each high school, college, and graduate school you attended; the dates of your attendance; and degrees awarded.

5. Please furnish a copy of your resume and a brief biographical statement.

6. Please chronologically list activities, other than those listed on your resume, from which you have derived earned income (e.g., self-employment, consulting activities, writing, speaking, royalties, and honoraria) since age 21.

7. Please list each book, article, column, or publication you have authored, individually or with others.

8. Identify each instance in which you have testified before Congress in a non-governmental capacity, and specify the subject matter of each testimony.

9. Please list corporations, partnerships, trusts, or other business entities with which you have ever been affiliated as an officer, director, trustee, partner, or holder of a significant equity or financial interest (i.e., any ownership interest of more than 5%), or whose decisions you had the ability to influence. Please identify the entity, your relationship to the entity, and the dates of service and/or affiliation.

10. Please provide the names of all corporations, firms, partnerships, trusts, or other business enterprises, and all non-profit organizations and other institutions with which you are now, or during the past five years have been, affiliated as an advisor, attorney, or consultant. It is only necessary to provide the names of major clients and any client matter in which you and your firm are involved that might present a potential conflict of interest with your proposed assignment. Please include dates of service.

11. With regard to each of the entities identified in the preceding question, please identify your relationship or duty with regard to each. Please include dates of service.

12. Other than the entities identified in question 10 above, please provide the names of any organizations with which your association might present a potential conflict of interest with your proposed assignment. For each entity you identify in your response to this question, please provide your relationship or duty with regard to each. Please include dates of service.

13. Please describe any contractual or informal arrangement you may have made with any person or business enterprise in regard to future employment. Include termination payments or financial benefits that will be provided for you if you enter government employment.

14. If you are a member of any licensed profession or occupation (i.e., lawyer, doctor, accountant, insurance or real estate broker, etc.) please specify the present status of each license; and, whether any such license has ever been withdrawn, suspended, or revoked, including the reason therefor.

15. Do you have a significant interest in any relationship with the government through contracts, consulting services, grants, loans, or guarantees? If so, please provide details.

16. Does your spouse or any family member or any business in which you, your spouse or any family members have a significant interest, have any relationship with the federal government through contracts, consulting services, grants, loans, or guarantees? If so, please provide details.

17. If you have performed any work for, and/or received any payments from, any foreign government, business, or individual in the past 10 years, please describe the circumstances. Please identify the source, as well as the dates of services and/or payments.

18. Please list any registration as an agent for a foreign principal, or any exemption from such registration. Please provide the status of any and all such registrations and/or exemptions (i.e., whether active and whether personally registered).

19. Have you ever registered as a lobbyist or other legislative agent to influence federal or state legislation or administrative acts? If so, please supply details, including the status of each registration.

Tax and Financial Information

20. As of the date of this questionnaire, please list all assets with a fair market value in excess of \$1,000 for you and your spouse. Please provide a good faith estimate of value.

21. As of the date of this questionnaire, please list all liabilities in excess of \$10,000 for you or your spouse. Please list the name and address of the creditor, the amount owed to the nearest thousand, a brief description of the nature of the obligation, the interest rate (if any), the date on which due, and the present status (i.e., is the obligation current or past due).

22. Please describe all real estate held in your name or in your spouse's name during the last six years. Please include real estate held in combination with others, held in trust, held by a nominee, or held by or through any other third-person or title-holding entity. Please include dates held.

23. Have you and your spouse filed all federal, state and local income tax returns?

24. Have you or your spouse ever filed a late income tax return without a valid extension? If so, describe the circumstances and the resolution of the matter.

25. Have you or your spouse ever paid any tax penalties? If so, describe the circumstances and the resolution of the matter.

26. Has a tax lien or other collection procedure ever been instituted against you or your spouse by federal, state or local authorities? If so, describe the circumstances and the resolution of the matter.

Domestic Help Issue

27. Do you presently have or have you in the past had domestic help? (i.e., a housekeeper, babysitter, nanny, or gardener) If so, please indicate years of service for each individual and give a brief description of the services rendered.

Public and Organizational Activities

28. Please list current and past political party affiliations.

29. Have you ever run for public office? If so, does your campaign have any outstanding campaign debt? If so, are you personally liable? Please provide complete information as to the amount of debt and creditors.

30. Please list each membership you have had with any civic, social, charitable, educational, professional, fraternal, benevolent or religious organization, private club or other membership organization (including any tax-exempt organization) during the past 10 years. Please include dates of membership and any positions you may have had with the organization.

31. Have you or your spouse at any time belonged to any membership organization, including, but not limited to, those described in the preceding paragraph, that as a matter of policy or practice denied or restricted affiliation based on race, sex, ethnic background, religious or sexual preference?

Legal and Administrative Proceedings and Filings

32. Please list any lawsuits you have brought as a plaintiff, or which were brought against you as a defendant or third party. Include in this response any contested divorce proceedings or other domestic relations matters.

33. Please list and describe any administrative agency proceeding in which you have been involved as a party.

34. Please list any bankruptcy proceeding in which you or your spouse have been involved as a debtor.

35. Have you or your spouse ever been investigated by any federal, state, military or local law enforcement agency? If so, please identify each instance and supply details, including: date; place; law enforcement agency; and court.

36. Have you or your spouse ever been arrested, or charged with, and/or convicted of violating any federal, state or local law, regulation or ordinance (excluding traffic offenses for which the fine was less than \$100)? If so, please identify each instance and supply details, including: date; place; law enforcement agency; and court.

37. Have you or your spouse ever been accused of or found guilty of any violations of government or agency procedure (specifically including securities violations and/or any application, or appeal process)?

38. Please list any complaint ever made against you by any administrative agency, professional association or organization, or federal, state or local ethics agency, committee, or official.

39. Please list any and all judgements rendered against you, including the date, amount, the name and subject matter of the case, and the date of satisfaction. Please include obligations of child support and alimony, and provide the status of each judgement and/or obligation.

40. With regard to each obligation of child support and/or alimony, please state the following: Have any payments been made late or have there been any lapses in payment? Have any motions or court actions for modification of child support or alimony been filed or instituted? Have any actions or motions to compel payment or initiate collection of late payments and/or past due amounts been filed or threatened? Have any writs of garnishment been issued? If your response was "yes" to any of the above questions, please provide details.

Miscellaneous

41. Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for a government position?

42. Do you know anyone or any organization that might take steps, overtly or covertly, fairly or unfairly, to criticize your appointment, including any news organization? If so, please identify and explain the basis for the potential criticism.

43. Please provide any other information, including information about other members of your family, that could suggest a conflict of interest, or be a possible source of embarrassment to you, your family or the President.

Mr. CLINGER. I am pleased to recognize the gentleman from Ohio, Mr. LaTourette, for 5 minutes.

Mr. LATOURETTE. Thank you very much, and I want to thank my colleagues on the Democratic side of the aisle for summarizing where we have been for the last 8½ hours so that we are ready for the new ground that Mr. Ehrlich and I will break in the last 10 minutes of the hearing.

One of the wonderful things about getting to sit at this part of the dais is that you have plenty of time to think about a lot of things. I took the chairman at his word this morning when he said that the depositions of you all were now made public, and I have read them in the last 8½ hours, so I hope I can be a little more precise in my questioning.

I promise, Mr. Livingstone, not to ask you who hired you again.

I want to take Mrs. Meek's comments to heart and say something nice, and that is that, Ms. Wetzl, when I began preparing for this hearing I was not surprised but marveled at how quickly you rose from intern, to staff assistant, to executive assistant, and now your fine job at the Department of the Army.

I want to say that I think of all the people that have come before this committee in this mess, you are a remarkable employee, and but for you the White House would be in a worse situation than they are today. And that your taking the bull by the horns in August after Mr. Marceca left is to your credit, and you deserve a lot of praise, and I want you to have that publicly. I will not be one of these yes, but, that says something nice about it and slaps you with the back of my hand.

I do want to bring up something that I read that you testified to in your deposition, and that is, we haven't talked about what happened to these files once they got back into your office. As I understood your previous testimony is that these files were then reviewed for contents, whether it be a new-hire or an update request from the FBI of an old investigation. I believe you said that Mr. Marceca and Mr. Livingstone would read them for content; is that a correct observation?

Ms. WETZL. Right.

I am sorry. You will have to specify which investigations we are talking about.

Mr. LATOURETTE. Both. I believe in your deposition at page 112, the question was, what did they read for content, and it was everything. They read not only the reinvestigation requests but also the SF-86's or the FBI report when they came in for the new-hires.

Ms. WETZL. You have to be more specific about who read it. The previous reports, the copies of FBI investigations that we received about previous career people that were not—those investigations were not initiated at our request, those came straight to our office, and to my knowledge, Tony received them.

Mr. LATOURETTE. And read them for content?

Ms. WETZL. I assume so.

Mr. LATOURETTE. OK. And was there a period of time, or maybe none of these came in before Mr. Marceca got there, that Mr. Livingstone also read them for content?

Ms. WETZL. It was my impression that when the previous reports came in it was either, depending on the time period, either Tony

or Craig who read them. However, I can't testify about who read what before Tony, because I wasn't working on the Update Project at that time.

Mr. LATOURETTE. Mr. Livingstone, in your deposition you made some observations that you or Mr. Marceca did in fact read these background files for content, and when specifically questioned about it, including the ones from former White House employees, the answer was, yes, because nobody told us not to.

Do you recall that line of questioning? Is that an accurate characterization that regardless of what the background investigation was, new Clinton hires or old people, they were read for content; is that right or not?

Mr. LIVINGSTONE. I am sorry. I heard you ask me several different questions.

Mr. LATOURETTE. It was really one question. That is, as a result of Mr. Marceca's work, files were coming into the office from the FBI. Those files were read for content; were they not?

Mr. LIVINGSTONE. Yes, sir.

Mr. LATOURETTE. They were either read by Mr. Marceca, because he was charged by you to read them, or in some instances, you read them; would that be an accurate statement?

Mr. LIVINGSTONE. Yes, sir.

Mr. LATOURETTE. And as I understood, it would not be a fair question to ask you which file did you read, because you don't remember. You read thousands of files; right?

Mr. LIVINGSTONE. The FBI said we got some 30,000 files since I have been there.

Mr. LATOURETTE. But the constant is, whatever the file was, whatever person it related to, somebody in your office, either you or Mr. Marceca, or someone else you trusted, read it for content; correct?

Mr. LIVINGSTONE. Are you talking about specifically the copies of the previous report, sir?

Mr. LATOURETTE. Yes. I am most interested in those.

Mr. LIVINGSTONE. As I recall, those reports are just summaries of reports, 1- or 2-page documents.

Mr. LATOURETTE. Read for content, however?

Mr. LIVINGSTONE. Yes, sir.

Mr. LATOURETTE. The purpose of reading these files for content, as I understood your deposition, and we didn't get into it today, was specifically to look for derogatory material, and I know you defined that in your deposition as nothing heinous; it could be a parking ticket, a traffic ticket, could be an extramarital affair, could be the use of drugs, could be a lot of things, but the reason that you read those was to highlight or flag derogatory material; is that a fair observation, why files would be read for content?

Mr. LIVINGSTONE. I think a more accurate characterization, sir, as I believe I have testified, would be to check for suitability, and as Mr. Marceca, and Ms. Wetzl, I believe testified to, see what the date was of their background investigation, to see if they needed to have a reinvestigation conducted.

Mr. LATOURETTE. With all due respect, you can flip open to the first page and find out what date the investigation was performed and figure out on a calendar where 5 years was. So it was not read-

ing a file for content. Reading a file for content, to my understanding, is reading the file to see what it says, not just checking the date; am I wrong?

Mr. LIVINGSTONE. I am sorry, sir, I believe that you asked me why we read the files, and I gave you an answer. One, was to check for the date of the report; two, was to check for suitability concerns.

Mr. LATOURETTE. OK. Tempus fugit, time is fleeting, so I want to move on to you, Mr. Marceca.

Mr. Marceca, you delivered to the committee, or your lawyer delivered to the committee, these 200-some documents and you have a characterization of them as to what they mean. I am holding up 000134, which you were questioned about earlier, and it is an analysis of personal background. I don't want to ask you specific questions about this, just this type of thing.

If I understand the way this worked, a report would come in, somebody would read it for content, and did you, Mr. Marceca, prepare an analysis of what you read in that file for content, delivering it to Mr. Livingstone, your superior? Is that what this is? You have read somebody's file and this is your analysis of that file and you now reported it in writing to your superior, Mr. Livingstone?

Mr. MARCECA. To my recollection, this specific letter was developed because there was apparently some inconsistencies somewhere between previous reports and a person's SF-86. This document that you are looking at may pass into the wastebasket when it gets to Mr. Livingstone, if he finds it has no value. So it is just my personal observations. It may have no merit after it leaves my desk.

Mr. LATOURETTE. I am not asking whether it has merit. Who put these black marks on it, did you do that?

Mr. MARCECA. Yes, sir.

Mr. LATOURETTE. You or your lawyer did that? I assume that was done to protect someone's privacy, which I think at this late stage of the game is very noble. Regardless of what the content of it is was, it was your job to review files for content, then to prepare a report about what you thought was important for your boss, Mr. Livingstone to know; is this pretty typical of what you did?

Mr. MARCECA. I did it—this is probably a very rare document. I doubt that there is more than one of those because there were not that many problems that I found in people's backgrounds.

Mr. LATOURETTE. I have two of them here—

Mr. MARCECA. Do you think you have two of the same one, sir?

Mr. LATOURETTE. No, I have 132 and 134.

Mr. CLINGER. The gentleman's time has expired.

I would now recognize the gentlelady from the State of Michigan, Miss Collins, for 5 minutes.

I am sorry, the gentlelady is recognized.

Miss COLLINS OF MICHIGAN. Thank you, Mr. Chairman.

Mr. Chairman, I am not going to ask any questions because I think everything has been asked two and three and four and five times, and the answers are the same. It is being very redundant.

I do want to say, however, that I am very disappointed that this committee is taking this kind of time to rake people over the coals, when we know from testimony that we have heard that there was

no political purpose behind the files, that it was egregious error that was made, no one is denying that it was an error made.

But to impugn people's integrity and their character for something such as this, seems to me to be more of the same type of witch-hunting that we had both with the Travel Office and with the Whitewater. I would just hope that this Congress can get on with the business of running the country and leave some of the partisan bickering aside.

Mr. MCINTOSH. Would the gentlelady yield?

Miss COLLINS OF MICHIGAN. First I yield to Mr. Kanjorski, and then to Mr. Wise.

Mr. KANJORSKI. Thank you very much.

I came into this hearing today not knowing what the facts were. I made a comment to someone when I left the hearing several hours ago, that I couldn't understand when all this broke that these five people weren't assembled on the White House lawn and asked them to make the testimony they have made here today. I think at least to set the base from their perspective of what happened—I agree, Mr. Nussbaum, the chairman would not have maligned you, but in fact he did, in my estimation, and owes you an apology for it. As a member of the bar, he owes you an apology. He knows better.

I believe the young lady's testimony today is very credible as to what happened. Understandable, or that is the way the system should be, should it be improved.

I think Mrs. Meek of Florida has said we could clearly write a better statute, or if nothing else, a book of management, what should be done.

I am at a loss on Mr. Livingstone, because, quite frankly, Mr. Livingstone, I was very harsh on you. I think that I am probably feeling more disposed in sympathy to you today than I was 2 weeks ago. I probably am like the President; if you were in my presence when all this happened, I could have gone to violence because I felt it has been violent to this administration and the American people.

To my friend from Pennsylvania that is testifying there, you are there because we play games in the Federal Government in not giving proper staff capacity, not only to the White House but to many other agencies of this country. And it was funny that everybody is talking about these interns running around with all this information when every one of us have interns working in our office that have all kinds of access to very important information, and I was one of those interns some 43 years ago with my friend that just recently passed away, Bill Emerson, where we worked with the Army McCarthy hearings and carried some of the most vital information without any clearance or without any FBI agents or anyone else. That's been the habit on this Hill for a long time, and most often, 99.99999, we can rely on these good people to do work here. Every now and then you get someone you can't rely on.

Mr. Kennedy, you have paid a price in your legal profession you don't even want to think about, and I know, and I think it's unfortunate, but I think with Mr. Nussbaum's respect for your integrity, I join that. Does that excuse what happened? Hell, no. I can't believe this happened. I really can't believe this happened.

You know what offends me most of all? You know why it happened and what we really should be examining? You know what's sick about this town? The White House keeps those records and sends them on to their archives to protect history because they can't trust the FBI. They can't trust the Secret Service. They can't trust any executive agency of this Government or the Congress to keep the facts right, and that's why everybody dovetails everybody else and everybody wants to get something in paper and in writing, so that later on the revisionists can't stick the wrong people with the wrong thing.

And we had one President that got carried away so much, he put a damn tape recorder in his office and made history back in 1974 by getting the evidence to remove him from office.

It is what Mr. Foster wrote about. It is what Mr. Nussbaum mentioned. We are eating these people alive for political purposes today, and we ought to be smarter than that. Did they do something wrong? They were stupid, no question about it; probably the best evidence of incompetence.

Did they do something beyond that? Nothing that I have heard today. They may have, and we should carry that out. But do you know the Attorney General of the United States doesn't have the faith in the FBI or its own Department to examine this? They had to send it off to a special prosecutor.

Today we have new departments in the U.S. Government. You can't trust anybody that works for the U.S. Government. You have got to get out and get new prosecutors, always new prosecutors. We even have that in the Congress of the United States. We have an Ethics Committee who can't examine the Speaker. Unfortunately, they haven't thought of the idea. Maybe they should get a special counsel, too. Maybe the Justice Department should appoint a special counsel to examine the Speaker.

And some day up here we are going to have 45,000 people walking behind each other because 44,999 are checking out the one they are following, and that's what we are coming down to.

Now, if they are serious here, we started with a base. The testimony we have heard today is substantial testimony. The people have put themselves on record subject to perjury.

Might I challenge the other side of the committee, rather than making press releases and conferences and further maligning these people's reputations, to go out and get honest-to-God facts under oath and prove these people have lied today? If not, have the guts to apologize to them. Don't have the guts to be a McCarthy. We lived through that era 40, 45 years ago. There's no reason this Congress should return to that era, there's no reason the American people should return to it, and there's no damn reason in the world the decision of who is the next President of the United States should be determined on this statement of facts and information, and improperly used, to affect the most important constitutional activity this country undergoes in 1996, and that is the election of the next President of the United States. So let's go at it.

I challenge you, Mr. Chairman. I challenge all those young Republicans over there who want to get into it. You get into the fray. Go out and get the factual information, and I will join you to urge the prosecution of these people if they lied. But if they didn't, have

the good common sense to apologize to them and the American people that you have made a mistake and not by innuendo and inference to carry this nonsense on any future.

I yield back the balance of my time.

Miss COLLINS OF MICHIGAN. I yield to Mr. Wise.

Mr. WISE. Ms. Wetzel, talking about lists for a second, you testified that you destroyed a list as you did others that Mr. Marceca had been using. The question is whether this was the same paper and format as other Secret Service lists that you had been using.

Ms. WETZL. First let me make something clear. I don't know if that was the list Mr. Marceca was using.

Mr. CLINGER. The gentleman's time has expired.

Mr. WISE. I would ask unanimous consent if she could just finish the second part of her explanation. We are going into facts, and I think she should respond.

Ms. WETZL. The lists that we used, that the office used, and the lists that I destroyed, along with other lists that I destroyed, were from Secret Service.

Was that your question?

Mr. WISE. Yes. Thank you.

Mr. CLINGER. I wanted to thank the gentleman from Pennsylvania for his diatribe and also to indicate that indeed we are going to pursue exactly the course that he has suggested. We have requested that the White House provide us with a great deal of documentation regarding how Mr. Livingstone, how Mr. Marceca, and others came to be there, and we hope to have that information in due course, which will necessitate undoubtedly another hearing on this matter.

I am now pleased to recognize the gentleman from Maryland, Mr. Ehrlich, for 5 minutes.

Mr. EHRLICH. Mr. Chairman, understanding that a parliamentary inquiry does not count against my time, I have a parliamentary inquiry.

Mr. CLINGER. The gentleman will state it.

Mr. EHRLICH. I am a freshman, so excuse my ignorance. But I am also an attorney. I have heard Mr. Kennedy state today numerous times that he refuses to answer the question, in answer to questions from a number of members.

Now, it's my understanding this is a congressional hearing. The witnesses are under subpoena, under oath, and no witness has raised a constitutional privilege.

My question is: Is that an appropriate or inappropriate response?

Mr. CLINGER. The respondent—in response to the gentleman, I would say that indeed Mr. Kennedy is here under subpoena. He would therefore be obligated to respond to questions put to him by members of the committee unless there were a constitutional basis for not doing so. I have not also heard that citation.

Mr. MCINTOSH. Mr. Chairman, in order to avoid any—

Mr. CLINGER. The gentleman from Maryland is recognized.

Mr. EHRLICH. I yield to the gentleman.

Mrs. COLLINS OF ILLINOIS. Regular order, Mr. Chairman.

Mr. MCINTOSH. It's a parliamentary inquiry.

Mr. EHRLICH. I yield to the gentleman.

Mr. WAXMAN. Regular order, Mr. Chairman. If this is no longer a parliamentary inquiry, is the gentleman recognized?

Mr. MCINTOSH. Mr. Chairman, I ask unanimous consent that the witness be allowed to respond to the questions or state his constitutional objections.

Mrs. COLLINS OF ILLINOIS. The witness hasn't been asked a question.

Mr. CLINGER. I have——

Mr. MCINTOSH. I am giving him a chance to avoid being in contempt.

Mr. CLINGER. What I have indicated to the gentleman in response to the gentleman's parliamentary inquiry is that indeed Mr. Kennedy, being here under subpoena, is obligated to respond to the questions of the committee unless there is an a constitutional basis for him not to respond.

Mr. EHRLICH. That is my understanding.

Mr. CLINGER. So on that basis, I think that the gentleman may proceed.

Mr. EHRLICH. And my time——

Mr. CLINGER. Now you are on your time.

Mr. EHRLICH. Thank you, Mr. Chairman.

Just an intellectual exercise. I was just wondering.

Mr. Livingstone, I am a little confused. I have read your statement closely, and I understand it has been a long day; and I am not here to beat you up any further; take my word for it.

You mentioned on page 2 of your statement, if you want to grab it, that you did not utilize any FBI background information for an improper purpose. You also used that phrase later on, on page 2.

Now, I also notice on pages 2 and 3, you used phrases like—not like; for instance, that your job, the principal function of the office, was to coordinate paper flow. Later on, you referred to the office as an administrative adjunct to the Counsel's Office. Later on, you also talk about the fact that the job of the director was primarily administrative; that was my understanding.

Yet, in answer to Mr. LaTourette's question, I understood you to say that you looked at these files, FBI files, for content.

Do those—does your statement jibe with your answer? I am just trying to understand the exact scope of your job.

Mr. LIVINGSTONE. I am going to try and answer—your question was multiparted?

Mr. EHRLICH. Yes, sir.

Mr. LIVINGSTONE. But as I understand it, you are asking me if I feel that my——

Mr. SHAYS. Would the gentleman get closer to the mike? I am just trying to hear you. You can pull the mike closer to you if you want to lean back, but we just want to hear you.

Mr. LIVINGSTONE. I understand. I am sorry.

As I stated, and I believe I stated in my deposition, that I did—you know, it's part of my function in the office to review FBI background reports when they are given to me from counsel, and that I did so.

Mr. EHRLICH. All right, sir. That's the answer to my question. So certainly more than acting as an administrative adjunct or as primarily an administrative position, given what you just said?

Mr. LIVINGSTONE. No, sir. I don't mean to be difficult, but I think—what I was trying to say is, administrative in the sense that counsel would receive the background investigations from the FBI. Counsel would then mark, if there was anything to mark-up, so and so needs to pay their parking tickets, or so and so needs to properly register for selective service, or something like that, and they would just instruct me, and I saw that as largely administrative. I wasn't making the decisions, sir.

Mr. EHRLICH. OK, different definitions, I understand.

Mr. LIVINGSTONE. OK.

Mr. EHRLICH. I take you at your word. Thank you.

Mr. LIVINGSTONE. Thank you.

Mr. EHRLICH. Now, sir, there is a specific question. I have heard a lot of testimony today concerning the vault. Was there a copy machine in the vault?

Mr. LIVINGSTONE. No, sir.

Mr. EHRLICH. Was there a copy machine right outside the vault?

Mr. LIVINGSTONE. There's a copy machine in the office, sir.

Mr. EHRLICH. Now, sir, at my law firm a few years ago we took to the practice of having to literally input numbers, file the numbers with respect to the case that you were working with and the time if you had to have a copy made. Did you have a similar process in your office?

Mr. LIVINGSTONE. Sir, we followed—the office procedures that we followed in our office were consistent with the office procedures of the previous office.

Mr. EHRLICH. That isn't my question. My question is: If somebody made a copy on that copy machine, would there be a record of that copy produced anywhere?

Mr. LIVINGSTONE. I am sorry, sir. I was trying to answer your question.

Mr. EHRLICH. OK.

Mr. LIVINGSTONE. As far as I know, for copying, the previous administration did not require that; we did not require it, either.

Mr. EHRLICH. That's not my question. I am talking about in this administration. Was there a record produced by anyone, by the machine itself, if a copy was made on the copier?

Mr. LIVINGSTONE. I am sorry. I thought I just said no.

Mr. EHRLICH. OK. Thank you.

Was there any way that copies were at all subject to being logged in? In other words, was there any way you could quantify who made copies or what copies were made of what particular documents?

Mr. LIVINGSTONE. No, sir.

Mr. EHRLICH. Sir, given your position as an administrative adjunct—and I understand we have a different definition with respect to the term "administrative"—you would never have an opportunity to speak to the President of the United States, would you?

Mr. LIVINGSTONE. Are you asking me specifically did I talk to the President of the United States—

Mr. EHRLICH. Yes, sir.

Mr. LIVINGSTONE [continuing]. About my job in White House personnel security?

Mr. EHRLICH. My first question is: Did you have an opportunity to speak to the President of the United States generally at any time?

Mr. LIVINGSTONE. Generally at any time?

Mr. EHRLICH. Yes, sir.

Mr. LIVINGSTONE. No.

Mr. EHRLICH. Sir?

Mr. LIVINGSTONE. Generally at any time, no.

Mr. EHRLICH. No?

Mr. LIVINGSTONE. If generally—

Mr. EHRLICH. Did you at any time—during the term you were at the White House, did you ever have occasion to speak to the President?

Mr. LIVINGSTONE. Other than, “The press are to the left, sir,” or Governor so and so is in the next room doing advance—if I worked on advance or helped out on an event at the White House. I don’t believe that I have ever had a conversation with the President about my job.

Mr. EHRLICH. Thank you, sir.

Now, did you have occasion to remove Billy Dale’s FBI background file on June 6, 1996, for some reason?

Mr. LIVINGSTONE. I don’t recall the specific date, but counsel had asked for Mr. Dale’s file at some point, and I understood it to be in response to either a committee request or an Independent Counsel request.

Mr. EHRLICH. Sir, if you know—this is not a court of law—do you know how the White House counsel knew that Billy Dale’s file was in your vault in June 1996?

Mr. LIVINGSTONE. No, sir, I don’t know.

Mr. EHRLICH. Sir, did you—I understand you can’t remember a specific date, but is it your recollection that at some point in June 1996 you removed Billy Dale’s FBI file from the vault in answer to a request from the White House counsel?

Mr. LIVINGSTONE. I don’t know that it came from the vault, sir, or Records Management.

Mr. EHRLICH. All right, sir. You have no recollection?

Mr. LIVINGSTONE. No, sir. To be specific, I didn’t personally go and get his file, if that’s what you are asking me.

Mr. EHRLICH. Do you have personal knowledge that the file was removed during June 1996?

Mr. LIVINGSTONE. I don’t recall. I mean, you say “removed.” I want to be specific. The only reason we would get the file is if counsel had asked us to retrieve the file.

Mr. EHRLICH. Sir, do you have personal knowledge that a request was made of your office, during June 1996, that either you or someone from your office remove Mr. Dale’s file and send it along to the White House counsel?

Mr. LIVINGSTONE. I don’t recall anyone asking me to retrieve the file, but as we have testified today, there is a file log that would reflect that if, in fact, that were true.

Mr. MCINTOSH. Would the gentleman yield?

Mr. EHRLICH. I will yield.

Mr. MCINTOSH. Mr. Livingstone, since 1993, have you ever had a telephone conversation with the President of the United States?

Mr. LIVINGSTONE. No, I can't imagine so. I don't have any recollection of ever talking to the President on the phone.

Mr. MCINTOSH. On the phone. You said you did not talk to him about your job. Did you talk to him about the Update Project or any of the people listed on the list that has been made available for the Update Project?

Mr. LIVINGSTONE. As I said, I am confident that the President of the United States has never asked me anything about my job.

Mr. MCINTOSH. No. The question is: Did you talk to him about it?

Mr. LIVINGSTONE. Well, I am trying to be specific. The President hasn't talked to me, and nor have I talked to the President, I am sorry, if that's what you are asking me, nor have I talked to the President about anything, even in a general nature, about my job.

Mr. CLINGER. The gentleman's time has expired.

Mr. MCINTOSH. About the Update Project or any of the people on the list?

Mr. LIVINGSTONE. Specifically, as I said, anything would include, to me, the Update Project.

Mr. CLINGER. The gentleman's time has expired.

Mr. MCINTOSH. Including the people on the list?

Mr. CLINGER. I would now recognize the gentleman from New Hampshire.

Mr. MCINTOSH. Let the record show the gentleman answered no, Mr. Chairman.

Mr. CLINGER. The gentleman from New Hampshire is recognized for 5 minutes.

Mr. BASS. Thank you, Mr. Chairman.

I will yield momentarily to Mr. McIntosh.

Mr. MCINTOSH. Mr. Livingstone, do you agree with that, that the answer is no, you did not talk to the President and the President did not talk to you about any of the people on the list in the Update Project?

Mr. LIVINGSTONE. That's correct.

Mr. MCINTOSH. I have one other question for Mr. Kennedy.

Would you like to at this point answer the question of whether you approved hiring of Mr. Livingstone after knowledge that he may have used drugs?

Mr. KENNEDY. Mr. McIntosh, my counsel just left the room. I need to consult with him about that.

Mr. MCINTOSH. Mr. Chairman, can we suspend time?

Mr. CLINGER. We will keep the question open, and we will come back to that time.

Mr. BASS. OK. Reclaiming my time, I would like to yield to Mr. Burton.

Mr. BURTON. I don't see how anybody can consider this just a stupid mistake. There had to be between 14 and 23 separate requests for these 700 files. And so I hope that the people who are paying attention to this will wonder why 14 to 23 separate requests could be considered a stupid mistake.

Now, there have been some inconsistencies. We have sworn depositions from people who are not here today who contradict some of the testimony of some of the witnesses, and that's one of the things that we want to get to the bottom of. Mr. Dennis Casey contradicts

what Mr. Livingstone and Mr. Marceca said earlier, and so we need to find out who is telling an untruth. Somebody is lying. Somebody is in contempt. We need to get to the bottom of that.

Now, Mr. Livingstone said he did not carry any files down from Vince Foster's office at 7:30 a.m., the morning after Mr. Foster's body was found at Fort Marcy Park.

And yet Bruce Abbott, in a sworn deposition, a Secret Service officer at the White House, said he saw you, Mr. Livingstone, bringing a file down from the second floor there, along with another person carrying a briefcase. That other person is believed to be, but may not be, Anthony Aoude. And if that's the case, then we need to find out who is telling the truth, whether or not the Secret Service officer is misleading us or whether or not you are misleading us.

But somebody said, and that—there was a follow-up by Peter Martin of the Park Police who said he talked to you 1 hour after that and you did not deny that you brought a file down from the second floor. You did not say you brought it from Vince Foster's office, but you did not deny bringing it down from the second floor. But you did say, previously in deposition, that you didn't have any files, and you said here today you didn't bring a file down from Vince Foster's office.

Now, let me just ask you this: Did you, accompanied by somebody else, bring files down from the second floor that morning, the morning after Vince Foster's death?

Mr. LIVINGSTONE. I don't have any recollection of that.

Mr. BURTON. Would you speak in the microphone?

Mr. CLINGER. Speak in the microphone, please.

Mr. LIVINGSTONE. Yes, sir. I apologize.

I have no recollection of that, sir.

Mr. BURTON. Now, you have no recollection. I want a direct answer, not one of these evasive ones. People have selective memory loss today. Did you bring files down, at 7:30 in the morning after Vince Foster's death, from the second floor? And was it from Vince Foster's office? And was there a fellow with you carrying a briefcase?

Mr. LIVINGSTONE. All right. First of all, sir, I resent your characterization as me being evasive. I tried—you asked me, sir, to give you a response, and I tried my best to do that. I will answer your question as stated. I know for a fact that I never retrieved any documents that morning from Vince Foster's office.

Mr. BURTON. Did you bring any files—

Mr. LIVINGSTONE. What I don't know, sir, is what else I might recall 3½ years ago after probably the most horrible day of my life, more horrible than this, of having identified Mr. Foster's body the night before, sir.

Mr. BURTON. All right. You don't remember talking to Bruce Abbott of the Secret Service when he asked you about the file when you were coming down from the second floor?

Mr. LIVINGSTONE. Sir, I don't understand what this has to do with these proceedings. I have—

Mr. BURTON. Let me just finish.

Mr. LIVINGSTONE. I am confused. I am confused.

Mr. BURTON. It does have something to do with it, because Vince Foster was an associate counsel in the Counsel's Office and may have had FBI files there, and we are trying to find out if FBI files were removed from Vince Foster's office in conjunction with this investigation, so I'm asking you.

Mr. LIVINGSTONE. I answered the question.

Mr. BURTON. OK. You did not bring any files down from the second floor that day?

Mr. LIVINGSTONE. No, sir. You asked me if I went to Mr. Foster's office, as I recall, just a minute ago.

Mr. BURTON. Right.

Mr. LIVINGSTONE. Did I remove files from Mr. Foster's office? And I said absolutely not.

Mr. BURTON. And you did not accompany somebody down the stairs—down from the second floor that day carrying a briefcase and the files along with it—and files along with it, from any source?

Mr. LIVINGSTONE. I don't recall what I did that whole day after what I said. I was up most of the night. I had identified somebody that I cared about and respected very much.

Mr. BURTON. Were there files from any other source on the second floor that may have had connection to Vince Foster's office that you brought down that night?

Mr. LIVINGSTONE. Sir, Counsel's Office is on the second floor. It would not be inconceivable for me to, in the normal course of my duty—for someone from Counsel's Office to say, "Please properly retrieve these files that we are reviewing and store them in the vault."

Mr. BURTON. According to the Secret Service agent to whom I referred, you normally weren't seen at 7:30 in the morning in that area; in fact, 7:30 anyplace in the White House. They said that morning, at 7:30, you were seen coming down from that location with a box of files and you were accompanied by a gentleman who was carrying a briefcase.

Now, you don't recall that?

Mr. LIVINGSTONE. I don't recall what, sir? The accusation or that it happened?

Mr. BURTON. You don't recall bringing files down that morning?

Mr. LIVINGSTONE. That's correct, sir, I do not recall bringing files down that morning.

Mr. BURTON. Well—

Mr. LIVINGSTONE. And I don't believe it happened.

Mr. BURTON. Well, the Secret Service agent said he saw you bringing the files down. We will bring him before the committee if I have got anything to do with it, and Peter Martin of the Park Police said he talked to you an hour later about it. So evidently their recollection is better than yours.

Mr. BASS. Reclaiming my time, Mr. Chairman, I would like to recognize—I would like to yield to Mr. Mica.

Mr. MICA. Mr. Livingstone, the form that I referred to has you listed as Director of White House Security, to return that form to you. When did you get that title?

Mr. LIVINGSTONE. The office is called the Office of White House Security.

Mr. MICA. And were you named director?

Mr. LIVINGSTONE. Mr. Kennedy approved that title.

Mr. MICA. When did he approve that title?

Mr. LIVINGSTONE. I don't know. 1993.

Mr. MICA. Mr. Kennedy, when did you approve that title?

Mr. KENNEDY. The——

Mr. MICA. Because there was a long history of leaks and all kinds of things going on in the White House, bad press for the President and the First Lady. Then he was put in charge of this after you had already reviewed his file and found out he had drug charges.

Mr. LIVINGSTONE. Excuse me, sir.

Mr. KENNEDY. I——

Mr. MICA. Drug use. Excuse me.

Mr. KENNEDY. Nobody has testified about drug——

Mr. MICA. Drug use history.

Mr. KENNEDY. Those words have never crossed my lips today, Congressman.

Mr. MICA. But you put him in the position of director, he just said.

Mr. KENNEDY. Look, his title was Director of the Office of White House Personnel Security.

Mr. MICA. Are you aware of the review that was done of that office, that David Watkins sent—that David Watkins asked for assistance from the Senate Select Committee to review the White House procedures for assistance of—of this office that he was in charge of, and in fact his recommendation was the White House Office of Administration should be assigned a Secret Service agent or other appropriate Government official in a full-time position to function as the director of security. Such a person would be a non-partisan individual for overseeing all security-related functions within the White House. Had you seen this in 1994?

Mr. KENNEDY. You would have to let me look at it, Congressman.

Mr. MICA. Mr. Chairman, I ask unanimous consent that the letter to the President in response to David Watkins, who was obviously concerned about what was going on, be made a part of the record. And this is from Senator DeConcini and it is dated the 11th of August 1994.

And I also ask unanimous consent that a response from Lloyd Cutler on August 22nd, 1994, back to Senator DeConcini, with a response saying that they were doing their own examination, also be made a part of the record.

Mr. WAXMAN. I object, Mr. Chairman, until we have had a chance to review those letters.

Mr. MICA. Will the staff please see that those documents are given to everyone concerned, and also I will repeat that request later on.

Mr. CLINGER. I think they have been entered already but in case they have not, we would entertain that request when they have had a chance to review it.

[The information referred to follows:]

U.S. SENATE,
 COMMITTEE ON APPROPRIATIONS,
August 11, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR PRESIDENT: Mr. David Watkins of the Office of Administration asked for assistance from the Senate Select Committee on Intelligence (SSCI) to review the White House procedures for the issuance of White House passes and other security-related functions that provide access to sensitive classified information in the Executive Office of the President and to make any recommendations that could possibly enhance those procedures.

Mr. James Wolfe, Director of Security for the SSCI, met with your officials in May to review your procedures and to inform me of his findings. That review is complete and I am forwarding to you my recommendations to refine your current system.

It should be noted that the White House officials Mr. Wolfe met with were candid and forthcoming regarding security procedures at the White House and the issuance of White House passes. These officials did indicate, however, that there were certain operational inefficiencies during the early stages of your Administration that contributed to the severe backlog of the issuance of permanent White House passes for White House employees. Nevertheless, they have taken the appropriate corrective action to remedy the problem and there appears to be a good system in place to monitor the process of all employees undergoing new employment at the White House.

My recommendations are as follows:

1. The White House Office of Administration should be assigned a Secret Service Agent or other appropriate government official in a full-time position to function as the Director of Security. Such a person would be a non-partisan individual responsible for overseeing all security-related functions within the Office of Administration. The person filling this position would be a security professional to provide the White House with broad security-related specialties, to include but not limited to: knowledge of investigative and adjudicative procedures; classified document handling procedures; communication security procedures; and a law enforcement background. This person would be directly involved in the decision making process for final adjudication of White House access passes and Top Secret security clearances. This person could provide the White House with institutional knowledge that would ensure continuity across Administrations.

2. A single office within the White House should coordinate all background investigations. Currently the Executive Office of the President has two separate offices that initiate, track, control, and process background investigations. One office processes political appointees and another processes career employees. In addition to these arrangements, the White House Counsel's Office processes the background investigations of Presidential Appointees who require Senate confirmation. This practice gives the appearance of an enormous amount of redundancy and lack of centralized control. These offices should be combined and headed by a senior security official (preferably the Director of Security identified in item #1) in the White House. It is my understanding that past Administrations functioned in this manner.

3. All security clearance/background investigation paperwork should be completed and turned in on or before the first day of employment with the White House rather than the current procedure of 30 days. This would alleviate any delay in initiating a security background investigation and thus reduce the amount of time, now approximately 120 days, that it takes to process a new employee for a sensitive White House access pass.

4. Currently, new employees are required to undergo an FBI full-field background investigation for employment at the White House, regardless if they have been the subject of a recent full-field investigation from another government agency. I would suggest to you that new employees who have undergone an FBI background investigation within 5 years should not have to undergo another full-field background investigation. The same background investigation that is currently accepted throughout the government should satisfy White House requirements as well. Implementing this recommendation alone would save the American taxpayers a considerable amount of money.

I hope that these recommendations will be of use to you and your Administration.

Sincerely,

DENNIS DECONCINI,
Chairman, Subcommittee on Treasury, Postal Service, and General Government.

THE WHITE HOUSE,
WASHINGTON,
August 22, 1994.

Hon. DENNIS DECONCINI,
United States Senate,
328 Senate Hart Office Building,
Washington, DC.

DEAR SENATOR DECONCINI: On behalf of the President, let me express our sincerest appreciation for your recent correspondence concerning White House security procedures. We very much appreciated your willingness to share the expertise of Mr. Wolfe, the Director of Security for the Senate Select Committee in Intelligence. He was unfailingly courteous and helpful in his review.

We are currently in the process of our own examination and assessment of White House security procedures. At first glance, many of your recommendations appear to dovetail with the modifications currently under consideration. In any event, all of your recommendations will be given the most serious consideration.

When our review is complete, we would be happy to let you know of any changes we may make. In the meanwhile, I hope you would not mind our continuing to call upon Mr. Wolfe as a resource.

Thank you again for your interest in this matter.

Sincerely,

LLOYD N. CUTLER,
Special Counsel to the President.

Mr. CLINGER. The gentleman's time has expired and I will now defer to the question which Mr. McIntosh had put to Mr. Kennedy earlier, that question.

Mr. MCINTOSH. Let me repeat the question.

Mr. WAXMAN. Point of order, Mr. Chairman. Is he taking a second round?

Mr. CLINGER. No, he is not taking a second round.

Mr. WAXMAN. Then what is he—

Mr. CLINGER. The question that he proposed—propounded to Mr. Kennedy, Mr. Kennedy did not feel that he was able to answer because his counsel had left the room. And I indicated that we would defer an answer to that question until Mr. Kennedy's attorney returned.

Mr. Kennedy's attorney, I assume, has now returned and Mr. McIntosh is entitled to ask that question to which he did not receive an answer.

Mr. MCINTOSH. Thank you, Mr. Chairman.

Mr. Kennedy, did you or did you not know about Mr. Livingstone's alleged history of drug use? And if you did know about it, why did you allow him to assume a position with the security clearance in the White House in such a sensitive post?

Mr. KENNEDY. Mr. Chairman, I am going to address you instead of the Congressman. You know, my reluctance to answer these questions stems from two areas, one of which is the fact that I believe the Privacy Act governs this and I am—I think I am being asked a specific question.

Mr. CLINGER. You are being asked about a question that Mr. Livingstone has already indicated that he, in fact, had engaged in recreational use of drugs. So I think that the—raising the Privacy Act as a reason for not answering is not appropriate.

Mr. KENNEDY. The second question is, you are asking me about legal work I performed within the Office of Counsel to the President, and I have no guidance on that.

Mr. CLINGER. Mr. Kennedy, I would remind you that you are under subpoena before this committee. You have been presented

with a question which you have indicated that you will not respond to. I have ruled that the Privacy Act, I don't think, is a legitimate bar to that.

Mr. WAXMAN. Mr. Chairman——

Mr. CLINGER. I would urge you to answer the question because you potentially could be in contempt of this committee.

Mr. WAXMAN. Mr. Chairman, if I might be recognized on this issue?

It seems to me if you are going to ask a witness to violate the statute of the Privacy Act, it ought to be done in executive session. It ought not to be sprung on a witness at this moment, and on behalf of our side and some of your members.

Mr. MCINTOSH. Mr. Chairman, let me point out that this was the fifth time this question has been asked.

Mr. WAXMAN. Mr. Chairman, I am making a point.

Mr. CLINGER. One at a time.

Mr. WAXMAN. I think we ought to have a further inquiry as to what the proper procedures and precedent have been in the past when something of this sensitive a nature is being brought forth. I think we owe it to everybody involved.

Mr. CLINGER. I would respectfully say to the gentleman that it is my opinion that Mr. Livingstone has, in fact, waived his protection under the Privacy Act with regard to—the very limited regard to the fact that he has admitted to occasional use of drugs, not drug abuse, not a drug problem but occasional use of drugs.

Mr. WAXMAN. May I ask whether this is relevant?

Mr. CLINGER. The question now to Mr. Kennedy was, knowing that, or did he know that, was he aware of that fact, and if he was aware of that fact, did it raise a question in his mind as to whether this was an individual who should, in fact, have the responsibility of reviewing very sensitive files? And I would suggest to Mr. Kennedy that that is a question that you can answer.

Mr. MCINTOSH. Mr. Chairman, I will point out for the record this is the sixth time now that you have asked it—that this question has been asked today.

Mr. KENNEDY. Mr. Chairman, in a nutshell, Mr. Livingstone went through the normal review process that basically all people being considered for a hard pass in the White House had. There were issues in Mr. Livingstone's background which were reviewed by me. I discussed them with Mr. Foster. I was directed by Mr. Foster to go to Ms. Varney. Those issues were resolved on a basis that led to Mr. Livingstone's retention.

Mr. CLINGER. But in reviewing that file, you were aware of the fact that Mr. Livingstone had engaged in occasional drug use; is that correct? Since Mr. Livingstone has already indicated that that was the case.

Mr. KENNEDY. Mr. Chairman, could I consult with my counsel for a minute, please.

Mr. WAXMAN. Point of order, Mr. Chairman?

Mr. CLINGER. The gentleman will state it.

Mr. WAXMAN. I would like to inquire of the Chair his understanding of the rules and this particular privacy statute, whether he can require witnesses to disclose to us anything that is in anybody else's file that he has seen? Because as I understand the

chairman's ruling, we would then be permitted on our time to ask him about anybody else's file, to disclose anybody's information about them that is private.

Mr. CLINGER. No, that is not correct. I will tell the gentleman that in this instance the ruling was based on the fact that Mr. Livingstone has testified in this hearing to occasional drug use, and that, in my mind, would not open up Pandora's box.

Mr. WAXMAN. Mr. Chairman, he has testified—your question to him was whether that was a disqualification in his mind.

Mr. TURK. Mr. Chairman.

Mr. CLINGER. The gentleman will state who he is.

Mr. TURK. Randall Turk, counsel for Mr. Livingstone.

Mr. CLINGER. Mr. Turk, if you are going to testify at this hearing I will have to ask you to go under oath to do so.

Mr. TURK. Mr. Chairman, I do not wish to testify. I simply wish to make a statement.

Mr. CLINGER. Then point of order, Mr. Turk. I think your statement is not appropriate.

I am sorry. I cannot permit you to make that statement unless you are under oath.

Mr. WAXMAN. Point of order, Mr. Chairman.

Would this witness, in answering your question, violate the privacy statute law? And are you insisting that he violate a law in order to give you some irrelevant bit of information? Is that where we are, Mr. Chairman?

Mr. CLINGER. Where we are is that I have indicated that because of Mr. Livingstone's admission, I guess, that there was, in fact, some drug use, that that therefore would represent a waiver of rights under the Privacy Act with regard to that very, very specific question.

Mr. WAXMAN. Mr.——

Mr. CLINGER. Now, if Mr. Kennedy does not choose to answer that question, we will take under advisement whether or not that constitutes contempt and at the next hearing on this matter we will consider that.

You know, I am not—I don't mean to pose any threats here but I do say that I think I have indicated that my ruling, subject to being reversed at some stage of the game, but my ruling is that the witness must answer the question.

Mr. WAXMAN. Mr. Chairman, I will seek to appeal your ruling to the Parliamentarian because I cannot believe——

Mr. CLINGER. You have every right to do that.

Mr. WAXMAN. I do not believe that you can insist that a witness violate the law and give us confidential information.

Mr. CLINGER. In my view, we are not violating the law. I would now want to ask Mr. Kennedy——

Mr. WAXMAN. That's your view, but I would want a higher opinion than yours. I appeal the decision of the Chair.

Mr. BURTON. Mr. Chairman, parliamentary inquiry.

Mr. WAXMAN. I demand a vote.

Mr. CLINGER. The gentleman will state it.

Mr. BURTON. If there is so much concern about the privacy and this question being answered in private, the Chair could be requested to go into executive session by any Member.

Mr. WAXMAN. Mr. Chairman, point of order. I appeal the decision of the Chair. Let's have a vote on it.

Mr. BURTON. Would you answer my preliminary inquiry? Is that not correct?

Mr. CLINGER. That is correct.

Mr. MICA. Mr. Chairman, just a point of parliamentary inquiry.

Mr. WAXMAN. Mr. Chairman, there is no debate on the appeal of the decision of the Chair. I insist on a vote.

Mr. CLINGER. The clerk will call the role.

The CLERK. Mr. Clinger.

Mr. KANJORSKI. Mr. Chairman, I suggest the absence of a quorum.

Mrs. COLLINS OF ILLINOIS. Mr. Chairman, point of order. Is not a vote in progress?

Mr. CLINGER. You are appealing the ruling of the Chair.

Mrs. COLLINS OF ILLINOIS. You have just called for a vote, Mr. Chairman.

Mr. CLINGER. What I am trying to establish here, to inform the members, as to the way to uphold the decision of the Chair would be to vote.

Mr. KANJORSKI. Mr. Chairman, I suggest there is an absence of a quorum in the committee and I would ask that the—

Mr. CLINGER. All those in favor of appealing the ruling of the Chair will say aye.

Opposed, say no.

In the opinion of the Chair, the noes have it.

Mr. WAXMAN. Mr. Chairman, I request a roll call vote.

Mr. KANJORSKI. I suggest the absence of a quorum and that, therefore, we do not have a legal vote of the committee unless you establish the presence of a quorum.

Mr. CLINGER. The clerk will—well, we will call the roll for a quorum.

The CLERK. Mr. Clinger.

Mr. CLINGER. Here.

The CLERK. Mr. Gilman.

[No response.]

The CLERK. Mr. Burton.

Mr. BURTON. Here.

The CLERK. Mr. Hastert.

[No response.]

The CLERK. Mrs. Morella.

[No response.]

The CLERK. Mr. Shays.

Mr. SHAYS. Here.

The CLERK. Mr. Schiff.

[No response.]

The CLERK. Ms. Ros-Lehtinen.

[No response.]

The CLERK. Mr. Zeff.

[No response.]

The CLERK. Mr. McHugh.

[No response.]

The CLERK. Mr. Horn.

Mr. HORN. Here.

The CLERK. Mr. Mica.

Mr. MICA. Here. Present.

The CLERK. Mr. Blute.

[No response.]

The CLERK. Mr. Davis.

[No response.]

The CLERK. Mr. McIntosh.

[No response.]

The CLERK. Mr. Tate.

[No response.]

The CLERK. Mr. Chrysler.

Mr. CHRYSLER. Here.

The CLERK. Mr. Gutknecht.

[No response.]

The CLERK. Mr. Souder.

[No response.]

The CLERK. Mr. Martini.

[No response.]

The CLERK. Mr. Scarborough.

[No response.]

The CLERK. Mr. Shadegg.

[No response.]

The CLERK. Mr. Flanagan.

Mr. CLINGER. I am——

Mr. FLANAGAN. Present.

Mr. CLINGER. I am going to ask the clerk to suspend the reading of the roll.

In view of the contentiousness of this issue and the concerns that have been raised on the minority side, I have agreed to refer this matter to the Parliamentarian and at that point we will get a ruling from the Parliamentarian as to the appropriateness of the question. But I can assure you because of this and other matters that have arisen, we will be visiting with this panel again, at which time it will be anticipated that that will be a question that will be in order at that time, unless the Parliamentarian rules against us. So given that understanding, we would now move to——

Mr. MICA. Mr. Chairman, I have a unanimous consent request.

Mr. CLINGER. The gentleman will state it.

Mr. MICA [continuing]. To admit these documents, if there is no problem——

Mr. CLINGER. I believe these documents have been shown to the minority.

Mr. WAXMAN. I am sorry. I am going to object because we haven't had a chance to check it out. You can put it in the next hearing or the one after that or the one after that because this is certainly something that is worthy of at least 10 or 12 more hearings.

Mr. CLINGER. I thank the gentleman for his gentle sarcasm.

Mr. EHRLICH. Mr. Chairman?

Mr. CLINGER. We are trying to conclude our hearing.

Mr. EHRLICH. Mr. Chairman?

Mr. CLINGER. The gentleman from Maryland.

Mr. EHRLICH. Parliamentary inquiry. Just for the record, would the Chair state the precise issue and frame the issue that the Parliamentarian will rule on?

Mr. CLINGER. Yes, I would be delighted to do that.

The question was asked of Mr. Kennedy whether he knew of any drug use on behalf of Mr. Livingstone, and if he did know that, did it enter into his decision as to whether or not to hire Mr. Livingstone for this sensitive position. The issue is, would it violate Mr. Livingstone's rights to privacy under the Privacy Act if, in fact, Mr. Kennedy were to answer that question.

My ruling was that it would not so violate his privilege under the Privacy Act because Mr. Livingstone himself had indicated that, and Mr. Livingstone's deposition has been made a part of the record.

That being the case, I felt that Mr. Kennedy would be required, being under subpoena, to respond to the question propounded to him by you, or by whoever, and that appealing—Mr. Waxman then appealed the ruling of the Chair. I have agreed that we will not submit that to a vote at this hearing; that we will confer with the Parliamentarian as to his ruling and we will revisit this issue at the next hearing.

Mr. WAXMAN. Mr. Chairman, I think the further question is—

Mr. EHRLICH. Thank you.

Mr. WAXMAN. And we want to get the Parliamentarian's views, is whether Mr. Kennedy can waive the privacy of other people in the records to which he has had some—

Mr. CLINGER. Indeed. We will confer with Mr. Waxman and with others to propound the questions that need to be propounded in order to resolve this issue.

Mr. WISE. Mr. Chairman.

Mr. CLINGER. And I am now going to call upon the gentlelady from Illinois.

Mr. WISE. Mr. Chairman, parliamentary inquiry, because if you are going to create a record, I want to be part of it because I have a consideration to add; namely, whether or not Mr. Livingstone waived his Parliamentarian—waived his rights in that deposition to the Privacy Act.

Mr. CLINGER. That is not a parliamentary inquiry.

Mr. WISE. Well, it is a question to the Chair whether you intend to include that consideration.

Mr. CLINGER. I will—we will confer with the members of the minority as to the question to be propounded to the Parliamentarian.

I now recognize the gentlelady from Illinois for a brief, brief closing statement.

Mrs. COLLINS OF ILLINOIS. Thank you, Mr. Chairman.

At the outset of this hearing, I stated that I agree with the purpose of these hearings to find out with respect to FBI files what happened, how it happened, and why it happened.

I would have to give this hearing a mixed grade because while we learned a good deal about the files, we also spent about half the time confronting witnesses with unfounded rumors and smears that have shamed me greatly.

Rather than dwell on the low points, let me just summarize the main points of the sworn testimony. The Update Project initiated by Ms. Nancy Gemmell was a routine effort in which the administration was utilizing Secret Service lists to provide names of those requiring access. Ms. Wetzl and Mr. Marceca both used Secret

Service lists. Ms. Wetzl and Mr. Livingstone both testified that Secret Service lists were routinely outdated and, most importantly, all witnesses testified under oath that no one ordered them to collect files on former employees. They did not know the files requested were on employees no longer working at the White House and that they never disseminated the information in any improper manner.

You know, Mr. Chairman, we have talked about the Secret Service a great deal here and I would—you mentioned that you were going to have another hearing with having these witnesses coming before us. I hope we will also depose the Secret Service or whoever it is in the Secret Service that created these files, and also that we have the Secret Service come and testify before us at the next hearing. And I yield back the balance of my time and thank you for holding these hearings.

Mr. CLINGER. I thank the gentlelady.

I would just state, in closing, that the—to the panel, the good news is there is not going to be another round of questions. We would be here until 2 in the morning if we were going to do that, but the bad news is that we will be holding another hearing on this matter. We have additional questions to ask, and as a result of some of the issues that have been raised here, we will have to revisit some of these matters.

We have requested information from the White House in response to a letter that was sent last Friday. We hope to have that information by the time we reconvene.

Today we did hear testimony from all of our witnesses that demonstrated, I think it can only be charitable to be said, an amazing lack of sensitivity and respect for people's privacy. That, I think, has been agreed to on all sides. There was a massive invasion of privacy which was committed by this administration and it is an unprecedented action that I think all have and should condemn in the strongest terms. That is agreed to, I think, in a bipartisan way.

But I think it is important to remember that we have heard about the victimization of some of the members on the panel but this all began with the victimization of Mr. Dale and others who were falsely accused of wrongdoing with regard to the Travelgate.

I think Mr. Livingstone was correct to resign, and I must question why the White House didn't insist upon that sooner. But I must say to Mr. Livingstone that he should not be made a scapegoat in this instance when those in positions of responsibility demonstrated really what seems to me remarkably little interest in overseeing this process, whether it was Mr. Nussbaum, Mr. Kennedy, or whoever, that this was going on with very little oversight.

Compared to the testimony we heard from former officials, which we did last week, who handled similar functions in previous administrations, it seems very clear that the Clinton administration exercised woefully inadequate supervision over this process and they really need to be held accountable in this regard.

Given the abuses that took place in this instance, I don't believe that any of our witnesses could at this point ever guarantee the people who we have heard from, whose files were looked at, can never guarantee that those people will not have that information

available at some time during their lives. They feel personally violated by this invasion.

Still in doubt is the origin and composition of these lists. We still do not know really how the lists were generated, what list was sent over to the FBI, what list was being worked from. The Secret Service claims that these lists could not have come from them, and we will have, as has been requested, the Secret Service to discuss that with us.

Lisa Wetzl, Lisa Wetzl destroyed whatever lists she inherited from Mr. Marceca and no one is able to testify with any degree of clarity about the lists, so I think that is still in doubt; it is still a matter that needs to be explored.

We also learned that Mr. Marceca took this very confidential FBI information home with him, at least some of it, on his computer, and as I gather, has them to this day on floppy disks in his home. So I think there really does seem to be a remarkably loose consideration of what files are allowed to be taken home and so forth.

So we still don't know if confidential IRS information was contained in these improperly contained files, and I would ask unanimous consent that a letter which I have shown to the majority dated June 21 from Mr. Archer inquiring about this issue of tax information be admitted to the file.

Without objection, it will be so entered.

[The information referred to follows:]

COMMITTEE ON WAY AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
June 21, 1996.

Hon. WILLIAM F. CLINGER,
Chairman,
Committee on Government Reform and Oversight,
2157 Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN CLINGER: I am writing in reference to the investigative hearings which the Committee on Government Reform and Oversight currently is pursuing with respect to the improper disclosure of FBI files to the current Administration's White House employees and government employees detailed to work at the White House.

I am concerned that the files in question may have included confidential federal income tax information related to the persons who were the subject of the files. Such tax return information is protected under section 6103 of the Internal Revenue Code. If files containing tax return information were not handled in accordance with the procedures designed to safeguard taxpayer privacy, then an unlawful disclosure of tax return information may have occurred. A violation of the section 6103 privacy protections is punishable as a felony under section 7213 of the Internal Revenue Code.

For this reason I am writing to ask your assistance in investigating this issue. In particular, the Committee on Ways and Means would like to learn whether any federal tax return information was included in the files which are the subject of your Committee's inquiry. In addition, it would be helpful if your Committee were to ask witnesses at any future hearing if they had any knowledge about federal tax return information which might be contained in a person's file and how it came to be placed in the file.

The privacy protections in section 6103 were enacted after the Watergate scandal as a response to White House attempts to obtain tax return information on selected individuals for use unrelated to the proper administration of the tax laws. It is disappointing to think that a similar pattern of misuse may have occurred recently, but I believe that the Committee on Ways and Means has a responsibility to investigate this serious issue.

Thank you for your assistance. I look forward to receiving your response.
With best personal regards,

BILL ARCHER,
Chairman.

Mr. CLINGER. The FBI and the independent counsel are currently investigating this matter, and this committee will continue to make its own inquiries.

I again thank the panel for your patience. I thank the members for attending. And this hearing is adjourned.

[Whereupon, at 7:40 p.m., the committee was adjourned.]

